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**Deposition of Dr. Joe Hall on July 15, 1969**

IN THE

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

Civil Action No. 3003-63

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BIRDIE MAE DAVIS, *et al.*,

*Plaintiffs,*

and

UNITED STATES OF AMERICA, by Ramsey Clark, Attorney General, etc.,

*Plaintiff-Intervenor,*

—v.—

BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY, *et al.*,

*Defendants,*

and

J. TWILA FRAZIER, *et al.*,

*Defendants-Intervenors.*

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APPEARANCES:

*For Plaintiffs—*

CRAWFORD & FIELDS

By: Vernon Z. Crawford, Esq.
William Robinson, Esq.

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*For Plaintiff-Intervenor—*

WALTER GORMAN, Esq.

*For Defendants—*

PILLANS, REAMS, TAPPAN, WOOD & ROBERTS
By: Abram L. Philips, Jr., Esq.

ALSO PRESENT:

JAMES A. MCPHERSON, *Associate Superintendent,* Mobile County Public School System

BOBBY R. CLARDY, Board of School Commissioners of Mobile County

[4] Mr. Gorman: Before we start, I object to having non-parties and non-counsel for the parties present and I would ask that the deposition not continue until this matter has been ruled on.

Mr. Philips: Okay. Mr. McPherson is a party and so is Mr. Clardy, party defendants to the litigation, and I think their presence is entirely proper, either in their individual capacity as parties or in their representative capacity as representatives of the School Board.

Mr. Gorman: Well, I disagree. I think that the privilege to attend depositions applies really to named parties and not to all the agents of the parties.

Mr. Philips: Okay. Do you have any further objections you want to make?

Mr. Gorman: I have no further objections but I will ask that a ruling be obtained on this before we continue it, a ruling from the Court.

Mr. Philips: Well, I am going to continue with the depositions unless the witness, unless you wish to instruct the witness not to answer.

Mr. Gorman: Well, I do not represent this witness as such, and I think it would be inappropriate for me to instruct him not to answer, but I would ask that this matter be presented to the Court for a ruling if you feel it is proper for Mr. Clardy [5] and Mr. McPherson to be here.

Mr. Philips: I think it is entirely proper for them to be here and I intend to go ahead with the depositions. If you want to present it to the Court, I think it would perhaps be best that you contact the Court.

Mr. Gorman: Well, could we take a brief adjournment?

Mr. Philips: No, we are going to continue.

Mr. Gorman: So what you are saying is that you are making it impossible for me to present it to the Court without excusing myself from my attendance here.

Mr. Philips: Well, you can have Mr. Crawford go if you would like.

Mr. Gorman: Well, Mr. Crawford has the responsibility to be here as I do as representing one of the parties. I would like to take a brief break and contact the Court and see if we can obtain a ruling.

Mr. Philips: Well, I am going to continue with the deposition. If you want to go to the Court, that's all right with me.

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Mr. Gorman: Okay.

Mr. Crawford: Before you begin, when you two finish—

Mr. Philips: We seem to be finished temporarily.

Mr. Crawford: I would like to object to it on the grounds that on July 3rd when there was a meeting, supposedly conference, between Mr. Hall and other representatives of H.E.W. and the [6] School Board, that counsel for the plaintiff was not even notified of this conference; that—

Mr. Philips: Vernon, this doesn't have a thing to do with the depositions. If you want to make such an objection as that, you might ought to take that to Judge Thomas. He called the conference and invited the people that he wanted to—

Mr. Crawford: And I would like to state for the record that counsel for the plaintiff has been attempting to reach Doctor Hall ever since he learned that he was in town, that he has called repeatedly and left messages asking him to call which on only one occasion was returned. I understand that there have been several conferences between Dr. Hall and the School Board, of course, without plaintiff's counsel being present.

Mr. Philips: That, of course, is between you and Dr. Hall, and if you wish to inquire into that in the course of the deposition, I am sure you will feel free to do so.

We are ready, Mrs. Leamy.

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DR. JOE HALL, having been first duly and legally sworn, testified on his oath as follows:

*On Direct Examination by Mr. Philips:*

Q. State your full name, if you will, please, Dr. Hall? A. The name I go by is Joe, JOE, Hall. I was born Josiah, [7] JOSIAH, Calvin Hall, Jr., and you can see why I go by Joe.

Q. And your address? A. My address is 7830 Southwest 57th Court, that's 57 Court, South Miami, Florida.

Q. Is that a permanent address? A. Yes.

Q. How long have you lived there? A. Oh, since January. Prior to that I lived at 500 Hardy Road, Coral Gables, for the preceding—well, since '52 I guess it was I moved there.

Q. Are you married? A. Yes.

Q. Do you have children? A. Five.

Q. What ages? A. I have twin boys who are twenty-four or twenty-five. That won't make any difference, will it? I can figure it out if it does.

Q. No. A. And twin girls who are twenty-one and one girl who is fifteen.

Q. If you will, Dr. Hall, give us your professional background, not your educational experience. I don't think we need to [8] go that far back, but your professional background. A. That is, where I have worked?

Q. Where you have worked and so forth. A. Clear on back?

Q. Well, insofar as it deals with schools and— A. Well, I taught school and served as principal in Leon County in

Florida. From that—that was back in 1932 to '35, and I was principal at a school at a place called Carrabelle, Florida. Then I worked in the State Department of Education in various capacities, the last one being the Director of the Division of Instruction, until 1948. In 1948 I went to Dade County as the Director of Instruction and held successive positions as Assistant Superintendent for Instruction, Associate Superintendent for Instruction, and then became Superintendent in January of 1957. I served in that capacity until January 16th, 1968, at which time I retired. Then I subsequently took the position in June, June the 4th, 1968, with the University of Miami with the title of Visiting Professor of Education, and three-fourths of my time was supposed to be spent in teaching and various kinds of work at the college and one-fourth in part of the college known as the Florida School Desegregation Consulting Center which is a Title IV project.

[9] Q. In your superintendency you said Dade County, Florida. Is that the Miami, Florida— A. Yes, that is—

Q. All of Dade County is Miami? A. All of Dade County, which includes all the incorporated as well as the unincorporated parts of the County.

Q. It's a consolidated City-County system? A. Well, it's a County system, yes.

Q. Now, you are currently engaged then at the University of Miami you said in the combination teaching-consulting capacity? A. Yes.

Q. Now, Dr. Hall, have you had occasion in any of your capacities to work for or with the Department of Health, Education and Welfare, the Office of Education of the Department of Health, Education and Welfare? A. Yes.

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Q. When did your work in this regard first begin? A. Well, the Florida School Desegregation Consulting Center is a Title IV project of the University of Miami, and I became officially connected with that on June the 4th, 1968.

Q. All right. In that capacity— A. But it's not a direct, you wouldn't call it a direct relationship with H.E.W. I guess it really works under the Office [10] of Education which is, of course, under H.E.W.

Q. A department of it? A. Yes.

Q. Okay. In your work in that regard, what capacity do you work in? What do you consider yourself or what do they consider you? A. Well, my title is Assistant Director of the Florida School Desegregation Consulting Center.

Q. And what actual work do you do? A. Well, in varying capacities, among them to go out and help Counties in Florida develop plans for the desegregation of their schools.

Q. And what Counties in Florida have you worked with in this regard? A. I don't know that I can name all of them. I can name several of them. Columbia—

Q. Now, these are Counties you are naming? A. Yes. Florida is all a County unit system. Columbia County, Nassau County, Alachua County—

Q. How do you spell that? A. ALACHUA, Dixie County, Levy County, Sumter County. In that particular capacity there are some more. I think I have copies of all this. (Pause) Palm Beach County. Now, those [11] I have worked with to the extent of helping develop complete

plans. Other Counties I have worked with just briefly, go in and talk with them about their program. Also I have helped in workshops for the personnel in the school system that is moving into a desegregation plan, supposedly helping them to adjust to the new situations in which they will be working.

Q. In these others that you have talked with about their programs, can you give us those? A. The names of them?

Q. Yes. A. Oh, great goodness, I guess I have met with all the superintendents. I have had conferences with them, so I will just say to varying degrees probably every County in Florida, from a brief conference say with the superintendent or to an overall work conference to, oh, a day or a day and a half. Now, do you want those that I have spent time in the County itself, is that what you are asking?

Q. Well, I guess that is not necessary, Dr. Hall, unless you feel that you can recall those where you have actually gone in. A. Well, I can name off a bunch of them. I don't know if I can name all of them.

Q. All right. Name as many as you can. A. Manatee County, Duval County, Escambia County, Orange, Pinellas, [12] Hillsborough. I just hit Glades coming up here. Those are all I can think of right off. There may be others that I have actually been in the County.

Q. Now, in connection with your working with these various systems, how were you brought into it? A. I was invited by the school system.

Q. By the school system? A. Either the superintendent or the board or generally both. I take it back. Duval

—well, I was there at one time just as I described it, but Duval had a court order in which the Florida School Desegregation Consulting Center was ordered by the court to develop a plan, and that order came before I joined the Center so the work had not been completed until after I joined the Center and that one they were not in there at the request of the local school officials. They were in there by the order of the court.

Q. Okay. Are there any others where they were in there by the order of the court other than Duval? A. No, I believe not. I believe that is the only one. There were some others that were under court order but not order asking the Center in.

Q. Okay. Have you had occasion to perform similar functions for any school systems outside of Florida? [13] A. I did some work with—what is it?—Rockingham. I just spent one day working with some people there. It was more the school principals than the County office. Rockingham, North Carolina. I spent about three days last summer in West Virginia at, I believe the name of the school is West Virginia Wesleyan where they were having a desegregation conference and I was there as a consultant.

Q. That is a university or a college? A. Yes. It's a State—well, no, it's a Methodist school, I believe, although I am not sure about their work.

Q. Okay. Now, I believe all these you have described so far are where you have been there in your capacity as a consultant or in connection with your work with the Florida Desegregation Center. Have you had occasion to

consult with school officials or work with school systems in this regard in any other capacity, as a consultant to any other group? A. Are you talking about desegregation or about anything else?

Q. About desegregation. For example, the Department of Justice or the NAACP or anything like that. A. No, sir. I was a witness in a case in Orlando but I was called by the School Board attorneys, I guess, as a witness. I was supposed to be an expert witness or something.

Q. Is this the only occasion where you have had occasion to testify [14] in court as a witness, either in court or by deposition in a school desegregation case? A. Well, I on my own, I mean—are you talking about since I joined the Center or before?

Q. Well, either way. A. Well, when I was Superintendent of Schools, I spent a lot of time in the courts, yes.

Q. Testifying— A. For the school system.

Q. For the school system? In desegregation litigation involving that school system? A. Yes.

Q. All right. Other than that, is the testimony in the Orlando, Florida—did you say Orlando? A. Yes. That is Orange County.

Q. Orange County. A. No, I haven't.

Q. No other occasion to testify? A. Not that I recall.

Q. And no occasion to work with—have you ever had occasion to work with the United States Department of Justice as a consultant? A. No, sir.

[15] Q. Or the NAACP or any other group? A. No, sir.

Q. Okay. Now, are you presently involved in working with a school system in the desegregation process as a

result of a court order or for any other reason? A. Say the first part of that again.

Q. Are you presently involved in working with a school system? A. Yes.

Q. What school system? A. Well, here with Mobile is one, but I am working with Orange County and with—well, I don't know what the extent of my work will be yet with Glades County, the one that I stopped by yesterday. I guess I just terminated my work on Palm Beach County so I guess, I don't know whether they will ask me back or not. I doubt it.

Mr. Crawford: Is this West Palm Beach or Palm Beach?

A. Palm Beach is the name of the County. The town is West Palm Beach.

Q. And your assignment now involves Glades County and Orange County in addition to whatever work you may now be doing with the Mobile system? You will have to answer verbally. She can't see you. A. Oh, yes, I see.

[16] Q. Sometimes she will pick up the nod of your head but normally you will have to answer. A. Yes. Well, I am not sure to what extent that Glades County thing will run, as I say. We have one unfinished project with Pinellas County. That is St. Petersburg. They have asked us to quit. They invited us. We were invited by the superintendent and they asked us to hold it in abeyance for the time being so, as you say, that is an unfinished item.

Q. Excuse me just a moment. (Pause) Dr. Hall, I would like to get your opinion on several matters. I would like

to get your opinion on the proposition of bussing students or transporting students by bus in the school system for the purpose of achieving a racial balance in the schools. What is your opinion on that? A. You are talking about my personal opinion?

Q. Yes.

Mr. Crawford: I am going to object to that. I think this question and answer as to his personal opinion has nothing to do with this matter in terms of his professional opinion. His personal life has nothing, does not enter into play in this. His personal experiences as it relates to the witness, Joe Hall, has nothing to do with his ability to devise a place, and I object to his personal opinion on it.

[17] A. Maybe you meant professional.

Mr. Philips: Well, I assume in his personal opinion he would have to take into account everything that affects him as a professional man.

Your personal professional opinion then.

A. Well—

Mr. Crawford: You see, his personal character or integrity is not in question here, I hope.

Mr. Philips: I am not questioning his integrity. I am asking for his opinion.

Mr. Crawford: I think the question should be limited and his answer should be limited to his

expertise in terms of the job that he was hired or sent here to do.

Mr. Philips: I am asking for his personal professional opinion as a professional educator.

A. Can I go on now?

Q. Sure. A. Well, generally speaking I have always felt that the less bussing you could have, the better you were, but I have also always recognized that you had to have bussing in order to operate schools to get the groups of people together for educational purposes, so I think bussing is essential for the operation of schools.

[18] Q. In a rural system. Now, the question I asked—

Mr. Crawford: Now, we are going to object to the leading question—

Q. The question I asked was bussing students to achieve a racial balance. A. Well, to achieve a racial balance. I don't know that I would have a particular opinion on the balance. I have felt that some bussing would probably be necessary for the desegregation of schools and in some school systems in which I have worked I concurred with the superintendent who felt that he did want a racial balance and he was going to try to use bussing to attain that particular balance. In his situation I thought it was a good idea.

Q. You said in order to achieve desegregation. I asked your opinion as to the advisability of your personal feeling, your personal professional feeling with reference to bussing strictly to achieve racial balance.

Mr. Gorman: I am going to object. The witness has already given his personal professional opinion concerning bussing with respect to desegregation and bussing in general. Now, the term "racial balance" isn't sufficiently descriptive, I think, to show the area that the question is directed to.

Q. All right. Dr. Hall, you have said, as I understood your [19] testimony, you have sometimes found that it was necessary in order to achieve desegregation. Do you think it is desirable? A. In some individual situations, yes, I I think it would be desirable.

Q. It is desirable from the standpoint of what, the school system, the children? A. Yes, all, the community, the school system, and the children, but I wouldn't want to make that an universal application. I would just say that in some situations I would think that would be good. I am thinking of Alachua County where we worked through the whole thing and thought it would be best for everybody involved to try for some balancing.

Q. Do you think it is undesirable in some situations to bus students in a school system to achieve a racial balance?

Mr. Gorman: I object again. I think your use of the term "racial balance" isn't sufficiently descriptive.

Mr. Philips: If the witness has an opinion on it, I assume that it is.

Mr. Crawford: That results in the question whether the witness knows what racial balance is,

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the definition of it. We have had so many definitions of racial balance.

Mr. Gorman: It's a term that has a legal definition as well as a—

[20] Mr. Philips: Well, let's let the witness then give us his opinion based on what he understands it to mean.

A. Well, let's say, if I can illustrate, suppose you have an eighty-twenty white-black ratio in a school system, but say one school, when you set everything up, winds up to be about eighty-twenty black versus white. I think that there would be advantages to the school system and to all concerned to do some bussing to achieve a racial balance in a situation of that kind.

Q. Can you tell us if you have an opinion as to whether there are undesirable effects of bussing to achieve a racial balance? A. If there are undesirable effects?

Q. You say that you feel it is desirable in some situations and undesirable in others. Why is it undesirable? A. I am trying to comprehend fully your question. Just give me a chance to— I gave you an illustration of where I thought it would be desirable. I wouldn't think if you had, say your overall ratio was eighty-twenty again and you had one school with five percent and another school with fifteen percent say of one race, I would see no point or any desirability or anything to be gained by bussing to get them all say ten percent or twenty percent, to get them all the same percentage or the same ratio.

[21] Q. You are basing everything then on strictly percentages as they exist in a certain situation and you don't

attach any significance beyond that from the standpoint of the desirability or non-desirability of the general concept of bussing to achieve a racial balance?

> Mr. Gorman: Well, once again I object. I think that the witness has already explained what his opinions were concerning bussing to achieve desegregation within the context of what he believes racial balance to mean, and he has already answered that.
>
> Mr. Philips: Will you read the question back to him, please, Mrs. Leamy?
>
> Reporter: You are basing everything then on strictly percentages as they exist in a certain situation and you don't attach any significance beyond that from the standpoint of the desirability or non-desirability of the general concept of bussing to achieve a racial balance?

A. Well, let's get into the educational thing of it. I think that in our society today it is good both for whites and blacks to have associational experiences in a school situation with each other. I don't know whether that—

Q. All right. Relate that to the question that I asked about the bussing to achieve racial balance. [22] A. If it takes some bussing to achieve that, I would say it would be to the advantage of all the children concerned, yes.

Q. You agree with that as your personal professional opinion? A. Now, I have tried to say that I didn't want to speak in terms of generalizations, that I would rather speak in terms of specifics, and I think you are saying more than

I said when you stated what I said. I said I thought it was desirable for our white people and our black people to have associational experiences in a school system. It would depend on the individual situation involved as to whether I would think that would warrant bussing. As a general principle, as I have also stated, that the less bussing you have, I think the better off you are.

Q. Okay. We are dealing with a concept, of course, and you and I probably because of our backgrounds, you being an educator and me a lawyer, perhaps we can't communicate fully on it, but I was just trying to explore as fully as possible your professional opinion as an educator on this point. A. Well, what you run into, of course, is a weighing of values and you have to, you can't put any of your values in ultimates and establish a general principle. You have to weigh values along the line.

Q. All right. Now, can we move along and get your opinion in [23] the same manner, your personal professional opinion on the concept of free choice of schools as a method of student assignment in the school system? A. Well, my opinion on that has undergone some change over a period of time, I guess as everybody who has worked with a particular problem of desegregation. At one time I felt that free choice was desirable, that a person, that in operating a school that he ought to have the same freedom of going to school that a housewife would have in going to a grocery store, just go wherever she pleased. However, you can't operate a school system on that basis, at least not entirely. You have to have some kind of restrictions about who can attend certain schools, else you will have some schools

vacant and some schools very overloaded, so as you have moved into the desegregation area, I have come to the conclusion that free choice is not a satisfactory way to operate schools. It puts a burden, it has put a burden upon the negro students that shouldn't be placed on them and it also places a burden sometimes upon white people that shouldn't be placed on them.

Q. Your change in evaluation then, as I understand it from your response, is that the only thing you find wrong with the freedom of choice concept is that it fails to achieve desegregation, is that correct?

[24] Mr. Gorman: No, the witness didn't testify to that.

A. I didn't say that.

Mr. Gorman: I object to the form of that question.
Mr. Philips: All right. Let him explain then.

A. It does fail to achieve desegregation but it also places a burden upon a person making a choice that shouldn't be placed on him.

Q. Well, what burden is this? A. Well, let's illustrate. Suppose you lived in an area where there was an all-black school and you wanted to go to that school and you would be the only white person in that school. The pressures from your friends and your society would make it such or might make it such that you just, that you would not choose to go to that particular school.

Q. And so you feel that it, taking your example— A. That it places a burden upon the individual that I think should be assumed by the officials operating the agency.

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Q. You think it's important then to set up a structure to relieve me of having to exercise my choice? A. Well, I think it's important not to place an excessive—

Mr. Gorman: I am going to object again to the question. The witness didn't testify as you have phrased the question.

Mr. Philips: I am asking him another question, if he feels that [25] it is necessary then to set up a structure to relieve me of the responsibility or the burden of making my own choice.

A. I think it's necessary to relieve you from the social pressures that would come to you from making a choice and the situation would be applicable to black and white.

Excuse me. I have been working with this thing so long, I say black. If you would prefer negro, just put negro in every time I have said it. They have switched over down our way and they use black and white.

Mr. Philips: We have had a problem here with—

Mr. Gorman: Whatever Mr. Crawford would like.

Mr. Crawford: Colored, negro or black, either one it doesn't matter. Call it by any name but most of them prefer black, even as white as I am.

Q. All right. Now, let's move on to another expression of your opinion, Dr. Hall. What is your opinion on an artificial arrangement of student assignment, whether it be bussing students or gerrymandering school districts in an unnatural manner or whatever the arrangement may be,

an artificial arrangement for the sole purpose of increasing the extent of integration?

Mr. Crawford: Now, we are going to object to that question as to form. It is not clear as to what this witness has to answer [26] as to his opinion, and the phrasing of that question, the words used, is suggesting that there has been gerrymandering by the H.E.W.

Mr. Philips: I am not suggesting anything. I am asking his opinion on a certain situation.

Mr. Crawford: Well, the form of the question suggests that.

Mr. Philips: I am not suggesting anything. I am asking what his opinion is on such an arrangement if it should exist.

A. Well, my personal opinion is that everything possible at this particular time in our society should be done to encourage desegregation, and in saying that I am aware that neither blacks nor whites like the idea but I think both of them are going to have to do some giving in order for it to be accomplished.

Q. Well, by that do you—how do you relate that to my question as to your opinion as to whether it is desirable to resort to an artificial arrangement? A. Well, as I understood it, in your question you asked what did I think of gerrymandering boundaries in order to achieve desegregation, and I thought I said that I favored it.

Q. I wasn't sure from your answer. What is your opinion as to the desirability of a transfer policy allowing transfers

of students for good cause without race as a factor? [27] A. In opinion that would be essential to operate a school system. There are, when you deal with thousands of people —well, we have a couple of hundred thousand in our school system in Dade County and you have got seventy-five thousand here, there are always some individuals who without regard to race, and you can't anticipate in advance the reason, so for justifiable cause not based on race then I would think such a policy would be good.

Q. What is your opinion based on your experience as to the desirability of having a small minority of one racial group, regardless of which it is, assigned to a school with a large majority of the other group? A. That is where I would prefer some kind of balance that you were talking about awhile ago. I think it is better to have a considerable number of both races, both black and white races, in a particular school.

Q. Do you think it is undesirable to have a small minority of white students in a school with a great majority of negro students? A. No, no more so than I feel the same way about the blacks.

Q. Well, that is the next question I was going to ask. You think it is undesirable whether the minority is white or black? A. There again you come to certain kinds of values. You asked [28] me if I thought, asked me what I thought, and if I had my preferred situation, I would say have a considerable number of each race in a school.

Q. Well, with relationship then I gather you say that the next preferable thing would be to have the small minority, and then the next preferable would be to not have any of a

minority race? A. Well, I don't know whether I would go that third step but I think you are getting into the operation of a school where you would release certain people because they are a minority and you get into all those problems and I don't think at this time—let's see, I have undergone a change there, too, in my own thinking. I went through it when I was a superintendent. We had what we called a, we had a transfer policy that would allow anybody regardless of race to transfer to any other school where they had room if he would furnish his own transportation. They had gone that far on that freedom of choice, but I came to the conclusion after working with that for a while that that policy had to be discontinued.

Q. Well, this is a little bit different from what I am talking about, the concept of having a small minority of negro students assigned irrevocably to a school or a small minority of white students. Do you think that is desirable or undesirable? [29] A. That is not as desirable as having a larger number.

Q. Well, do you think it is desirable or undesirable?

Mr. Gorman: He has already answered the question.

A. Yeah. Well, I don't have a thought on it. You run into a case like this, you will have a school system that only has one person of a race. For instance, if you were in—what is some country?—Liberia, if you wanted to go to school, you would be the only one of the race.

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Q. I am talking about Mobile, Alabama. A. Well, you didn't say that.

Q. I thought we were dealing at least with the United States. A. Oh, I'm sorry.

Q. I am not trying to be facetious but I thought we were all at least— A. Well, you have got situations of that kind say in Washington, D. C., or places like that. I think they ought to go to a school, if they live in the community, that there would be no necessity for a transfer.

Q. Then you don't see any undesirability of placing a small minority of one race in a school with a large majority of the other race? A. I think I tried to say that just as clearly as I could. I [30] see some undesirable things about it but they are not as undesirable as the recourse would be.

Q. In other words, they are undesirable except for your feeling of the necessity to achieve desegregation? A. I expect that would probably say it, yes.

Q. Okay. What is your professional opinion, Dr. Hall, on the general proposition of taking elementary school students, youngsters, out of their neighborhood to a distant school removed from their neighborhood, as a general proposition? A. As a general proposition I would not think it would be too good. As a specific proposition, though, I would.

Q. As a specific proposition to achieve desegregation you think it would? A. Yes, and to achieve some other things, yes.

Q. What is your professional opinion, Dr. Hall, on the neighborhood school concept generally? A. I think maybe all of us in education have been brought up with the idea that the neighborhood school was a good idea, and that the

community and the school should work together as a total situation, and again I have undergone some change in my thinking because in your metropolitan areas your neighborloods break down and you just don't have the neighborlood any more even though you may have a group of people that live [31] close together.

Q. Okay. What is your professional opinion, Dr. Hall, on the concept—and I am not sure that I have it right, but on the concept of articulation, which I understand to be a concept of students moving in some sort of regular relationship to each other through the school program as well as being broken up about every year or so and separated off into a different direction? A. Well, I think it is a good thing to progress regularly through the school systems, though in our school system and I assume here, most everywhere where you have all these military people in and out, you change your locations all the time.

Q. What I have in mind I think in the concept is where students identify with a school and progress through elementary school and give or six grades rather than being assigned to a different school each year. A. Well, I think that progression, if it follows along together, is good.

Q. Do you have any professional opinion from the standpoint of your experience in the desegregation process as to whether it's desirable or undesirable to have a substantial majority, a substantial minority of white students in a school with a majority of negro students in the particular school? [32] A. No particular opinion.

Q. No particular opinion? In that respect I have in mind by substantial minority say thirty percent, thirty-five per-

cent, forty percent white minority and an otherwise negro majority. You have no opinion on that? A. No particular opinion.

Q. Have you ever had any opinion on that? A. Yes, I suppose so. I guess it has grown a little bit out of my background and environment. I have had an opinion on that. I have sometimes felt that a school, if it went over your fifty percent mark with blacks, would resegregate and the community would then become black just while holding the same boundaries, while holding the same boundaries, and there is some indication that that has occurred. For instance, in Mobile there are schools that were once all white which gradually turned black. Then I have sometimes thought also that the school system had an obligation, whatever its share of the responsibility was, to help to stabilize the community and not to encourage that type of thing where people sell their homes and move and all that sort of business, and if they get back to that very first question when you asked me about balancing, if you could balance all over, then the schools would not be having any effect upon your real estate property [33] or values or anything of that sort. It would help to stabilize the community.

Q. You think then it is desirable to set up this racial balance then to stabilize the community? A. Well, that is one value. I find it hard to answer your question just in terms of one value. You see, you have a whole group of values and you are bringing them out here one at a time, and to isolate one from the other, when you get down to making a final judgment, you have to bring all these values in, but that would achieve one value. That would help in

the stabilizing of your community to whatever extent the schools are responsible for the, what is occurring in the community itself. Now, sometimes that occurs without the schools having anything to do with it.

Q. Then you think it would be desirable to work towards that in the school systems? A. Yes. I think it would have some values, yes.

Q. Can you give us your opinion based on your experience as to the effect on a group of students who are say lower achievers who are assigned into a school with a group who are achievers on a higher level and are placed thus into competition? Have you had any experience with that? A. Oh, yes.

[34] Q. What has been the result? A. Well, you have that in every classroom in every school system in the United States. You have people of varying abilities in the classroom, and the teachers in elementary schools, they work systematically with three or four groups and they alter their groups with respect to the type of subject matter they are handling and all that sort of thing.

Q. Do you find any undesirable effects where a group of lower achievers, where there is a marked difference in the achievers, on the two groups of students? A. Well, not unless they are what you call mentally retarded or unable, or emotionally unstable, so in throwing those two things out, there is no particular problem.

Q. Assume that you had a gap or say two or three years as far as their educational achievement level between one group of students and another that were placed in the same class— A. You have that all the time.

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Q. Do you find that undesirable? A. Well, no.

Q. You don't find anything undesirable about it? A. Well, no. I would have to say, if you want a direct answer, I would have to say no because you couldn't operate a school without—there is no classroom that I know of anywhere that [35] doesn't have that variation in it. They will not have a group that are completely homogeneous, and even there in a group that are completely homogeneous by intelligence, they will have that variation in the various subject areas. In any group of thirty kids you will have a range of at least three years in some different subjects.

Q. Between, say within a group of thirty kids you would have a range— A. Of at least three years, yes.

Q. Now, you mean a range with one student being on the lower end of the scale as compared with the top student, or a group half being on the lower end of the scale and half being on the top end? A. Well, some might be, in one subject area some might be ahead and in another subject area some of them might be.

Q. I am talking now about in elementary school. A. That is what I am talking about. You take the matter of arithmetic and reading, one student might be more advanced than the other in arithmetic and the other might be more advanced in reading or what-have-you.

Q. You don't find then any undesirable effect on either the higher achievement group or the lower achievement group by placing the two groups together in a classroom situation? [36] A. No, sir. As a matter of fact, I happen to be a product myself of a school that had eight grades in one classroom and there were certain advantages of that and certain disadvantages.

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Q. Where did you go to school, please, sir? A. I guess my first year of school was in Valleyhead. I was born in Mintone, Alabama, and then I went to school in northeast Georgia way out in the country about thirty miles north of Athens until I was about twelve years old, and then I went into a graded school after I was in about the sixth grade, I mean where we had a whole grade in one classroom, but my first five years it was all of us in one room.

Q. And you didn't find any drawbacks there, did you? A. No, sir. As I said, there are certain advantages and certain disadvantages.

Q. Was this an integrated school? A. No, sir, not in northeast Georgia when I went to school.

Q. Dr. Hall, I will ask you for another expression of your professional opinion as to the desirability of forcing white students to attend a formerly negro school and vice versa if they do not wish to do so? A. I think I would have to say that I would favor requiring them to attend.

[37] Q. You think you would? A. Because every experience I have had, I mean we have built a new school and everybody wants to stay in the old one, and as soon as they get over there and get settled, why, they get just as happy within a month but they don't like the idea but it works out all right once they get settled.

Q. All right. Now, you have explained that in terms of a new school. Would your opinion be the same with reference to an old established school? A. Yes.

Q. Requiring and forcing negro students to go into an otherwise all-white neighborhood to attend a school when they did not wish to and vice versa? A. Yes.

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Q. You think this is desirable? A. Yes. Most of the objections I have run across from the community has been whites going to all-black schools, which in a way seems to me to negate some of the former arguments that all schools were equal which so many contended for so many years.

Q. And you don't see any undesirability in this? I realize you think it's desirable but— A. I see some, I see a community reluctance, yes, because I have [38] run across that repeatedly but I don't think that the school officials can give way to that reluctance and I don't think there would be anything bad about it once it's accomplished. I think it's sort of the dread of the unknown or something. Once they get in it, then in a short time everything is running all right.

Q. What do you think then accounts for resegregation? A. Most of the resegregation with which I have had experience has been community rather than school. That is, what they call blockbusting and the people would begin to move away, and that's where most of my experience lies.

Q. You haven't found or you haven't had any experience then with resegregation in terms of people moving to avoid one school and attain another? A. Just a little, yes. More in advance of the fact. I mean they move before they have even gotten into the school. There is a feeling that goes around the community. I guess that would come back a little bit too, if the school system were going to be a part say in the stabilizing of the community, it would really be better if you are going in terms of social planning, if you wanted to go so far as that, to just desegregate all the schools and then there wouldn't be any of this fleeing or

moving, but I guess that is one reason somewhere [39] in this report that we were inclined to feel that this was just an opinion and certainly we are not social engineers or anything of that kind, but it would seem to us that unless the Mobile school system and the Mobile planners took some positive steps, that the whole area east of the Expressway was apt to become black and the area west of the Expressway was apt to become white unless somebody went out and really did some work on it because you could kind of see the movement that way.

Q. Now, as I recall, the plan that you submitted involved moving negro students out of the area east of the Expressway? A. Into the area west, and part of that was—

Q. How does this stabilize the community? A. This would have the effect of showing them that it won't do any good to move west of the Expressway because we are still going to be going to school with these black people and there wouldn't be any point in moving. That is purely social and not educational, but also it does deal with the whole planned development of a community and I would—I know I was working in one school system where they were talking about desegregating the school and before they had even begun to do anything, people began to put their houses up for sale and they were going to move over to this other place, and if the word [40] had gotten out that this other place would be desegregated, too, then there wouldn't have been any point in all of this real estate droppage.

Q. Now, do you think that it is essential in the desegregation of a school system to eliminate every all-white school and every all-negro school? A. Let's say that I

would say that that was one of those desirable things but I don't think it's essential to meet the requirements of the law.

Q. As you understand the requirements of the law, you don't think that it is necessary? A. I was told by several people for me not to start interpreting law so I had better not say what my understandings of the law are, but at least I have to operate in the framework of what I understand the law to be and I would think it would be desirable both —I guess I made this statement earlier, that it is desirable for all young people to have the experience of going to school with—and this really needs to be a part of your total educational planning. That is the only thing that I see it really in the long run, unless the people know each other and have experience with them, that in the way, one thing that our schools have done through the years, it has been a great melting pot where people have known each [41] other in addition to teaching reading, writing and arithmetic.

Q. You think it is desirable then to seek to eliminate— A. Both all-white and all-black schools.

Q. Both all-white and all-black schools? A. And to do your very best, yes.

Q. Is this what you sought to do in the plan for Mobile? A. To the extent we could, yes, within reason. I have read the newspaper and I guess they don't even consider that within reason, but within reason, yes.

Q. Okay. Is this what you did in Miami in your own school system? A. Not at the time, no, but as I said, the whole thing has gone through an evolutionary process, the

concepts of desegregation. We went through a process of freedom of choice type of thing that everybody thought would have in it some possibilities. Then we went through the process of asking ourselves if we had never had a dual school system, would we have a school there, and if the answer was no, we closed that school, but the—

Q. Wait a minute. Let me ask you this. I don't mean to cut you off but getting back to a specific question. When did you eliminate in the Miami system the existence of all all-white and all all-black schools? [42] A. They haven't been eliminated. They aren't eliminated in this Mobile plan.

Q. How many are there in the plan you submitted for Mobile? A. I think there are five.

Q. How many are there in Miami, do you know? A. Not right off-hand. There are more than that.

Q. Could you give me some general idea? A. No, I couldn't.

Q. At the time you were superintendent could you give me some general idea? A. Not without looking it up.

Q. Just within, can you give me a ballpark figure as to your recollection? A. I wouldn't want to give an opinion on that. I would rather look it up and I can look it up for you. I always thought of it the other way, of the ones that I was eliminating rather than the ones that I had left.

Q. All right. How many did you eliminate? A. Well, we closed down four former all-black high schools and quite a number moved into desegregated schools.

Q. Well, would you say that seventy-five percent of your schools— A. I think at the present time there is one all-black high school and one nearly all-black.

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[43] Q. What about all-white? A. There is one all-white and two others that are nearly all-white.

Q. And that was for the 1968-69 school year that they existed in Miami? A. That was the last year, yes. One of those had resegregated.

Q. How about the year before that, do you remember? Was it roughly the same? A. I believe we had a couple of all-blacks that we closed down. Now, I am swearing to these things, that I am telling the whole truth, but the timing on these things—what I am saying is true but the time may not be true, the exact time. (Pause) I have eliminated all but one black high school. We had twenty-two schools and I have eliminated all of them but one and then one other, though, became resegregated but I don't think the schools were responsible for that. That is what I was going into because I think it was just a community movement.

Q. All right. Who contacted you with reference to your working in the Mobile school system? A. Mr. Jordan, J. J. Jordan.

Q. J. J. Jordan. When did he contact you? A. On Friday, June the 6th.

[44] Q. And how did he contact you? A. By telephone.

Q. And what did he ask you to do? A. He asked me if I would come out here and direct a survey for the study of the Mobile school system for the Office of Education and I guess he said that it was, that it had to be done in thirty days or something like that.

Mr. Gorman: I will have a running objection to the hearsay.

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Q. All right. Now, when did you come to Mobile? A. On the 10th. Yes, on July the 10th. I'm sorry, June the 10th. I'm sorry, June the 10th.

Q. Yes, June the 10th. All right. Prior to the time you came to Mobile did you discuss this with anyone else that you were coming to Mobile? A. Only with Dr. Stolee.

Q. Dr. Stolee. Identify him fully, if you will. A. He is the Director of the Florida School Desegregation Consulting Center and is my immediate superior. S T O L double E, Dr. Michael Stolee.

Q. Okay. And after you talked with Mr. Jordan on June the 6th, when did you talk with him about this again, do you recall? A. Oh, shortly after I got here. He was in Tampa. His wife was in the hospital and I called him, I don't recall the exact [45] time. He told me that he would come out just as soon as he could to assist and I told him all we were going ahead and doing. He gave us a sort of an outline of the kind of thing that he had wanted done and then we proceeded to work on that basis.

Q. What information were you given prior to coming to Mobile about the Mobile school system? A. Well, just about its size, about how, its approximate size, the approximate number of students, the approximate number of schools, and whether it was a County unit or an individual unit, and whether it was under court order or under H.E.W., and what the, a little bit of the nature of the problem though not all of the nature of the problem.

Q. What was the nature of the problem? A. Well, the nature of the problem was that it was a study that had been ordered by the court.

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Q. Is that all you have reference to when you say the nature of the problem? A. Well, the other part was that, that I didn't know about, was that the school system didn't want us. At least I gathered that after I got here from some of the comments that I heard in the paper and from some of the School Board members, because I had always been in the proposition where I had always [46] been asked in by the school system rather than by the court. It was the first time I had had that situation.

Q. Did Mr. Jordan tell you in advance whether you were being called in by the school system? A. No, we didn't go into that detail but I had worked on enough on them and he had seen enough of my reports that he knew that I would know how to proceed, I guess, when I got here.

Q. When you got here, were you under the impression that you had been invited by the school system? A. No, I wasn't under the impression one way or the other. It just hadn't crossed my mind.

Q. Had you had any contact with the Mobile school system before you came here? A. Not greatly. I had met the Superintendent at meetings but I didn't know much about the school system.

Q. Other than that, you didn't have any knowledge of the school system? A. No.

Q. What was your opinion, if any, of the Mobile school system before you came here? A. Well, that they had a good school system.

Q. Any other opinion? A. No, none in particular. I don't know that I had even thought [47] about it enough to have an opinion one way or the other.

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Q. Has your opinion changed or is it still the same? A. What is that?

Q. Your opinion, you said you thought they had a good school system.

Mr. Gorman: I think he further qualified that and said he is not sure whether he had an opinion at all.

Mr. Philips: Read back the last two or three questions and answers.

A. No, my opinion hasn't changed.

Q. Okay. That's all right then. What instructions were you given? What were you told to do? What directions were you given? A. I was given the general directions that we needed a report similar to many that they had been doing up in South Carolina, that we ought to have about five or six sections to the report, one giving something of the background of the community, and another giving the basic data about the school system, particularly as it was related to desegregation, some information about the financial structure of the school system, and about the course of study, and then with that as a background, to develop some kind of a plan for desegregation along the lines of the court order.

[48] Q. All right. When you came to Mobile, Dr. Hall, what plan of action or procedure did you— A. I had been told by Mr. Jordan that the financing of the study would be through the University of South Alabama Center, I forget its exact title. It's a project very similar to the one, and that they might have, they would probably have some

information and that I ought to find my way around, have a chat before I started with a Dr. Bjork, B J O R K, who is the Director of that Center, and he might have some information about the Mobile school system, and that I did when I got here on the 10th. I didn't get here until about, oh, 3:30 or 4:00 o'clock. I drove from Orlando, and I reported to him or talked to him briefly and asked him where the school offices were and who was heading up the school program and what-have-you, and then I believe it was the next day that I made contact with Mr. McPherson.

Q. Did you have any specific information concerning the school system, about the school system from Mr. Bjork? A. He had a lot of data, yes. He had copies of the court orders. I guess the Center keeps those for all school systems here, and he had copies of the maps that had, of the July 29th court order, the boundaries for the elementary and junior high schools, and information about the freedom of choice for the high schools [49] and for the rural area, and then he also had a copy of the building study that the court had, that the school system had given to the court which gave a school by school description of each building and, oh, he had data about the number of pupils by grade level in each school that somebody had, I think it had been part of the court order. That information was all on file there in the office and I looked it up.

Q. Did he say where he acquired this information? A. I didn't ask him.

Q. Do you know where he acquired this information? A. I assume he got it from the courts as part of it, or he might have gotten it from the school system, I don't know. It was

just mimeographed, it was duplicated stuff. I assume he got it from the school system but I don't know. I did get myself similar kinds of information from the school system later and it turned out to be, some of it to be the same thing.

Q. Now, as I understand it, your purpose was to conduct, as you described it or as you characterized it, a study of the Mobile school system? A. On desegregation, yes.

Q. On desegregation. And then what to do after conducting the studies? What then? A. To develop a plan, help develop a plan, work according to [50] the—at that point I moved over onto my own and to work cooperatively with the school system in developing a plan, if possible, to be presented thirty days after June the 3rd, so I assumed that was July the 2nd, and so then I met with representatives of the school system, Mr. McPherson, and we talked through plans and we determined that any information that I wanted should be requested in writing and I indicated some of the kinds of data that I would need and then we set up a procedure for proceeding with the planning.

Q. What sort of reception did you get by Mr. McPherson? A. Very cordial, very nice.

Q. Were they cooperative in working with you? A. Certainly in providing all data, yes.

Q. Did you come in, Dr. Hall, with any instructions as to what should or should not be included in the details of the plan that you were going to develop? A. No, sir.

Q. What basis then did you use to develop the plan? A. Well, the basis that we agreed on in conference was that—

Q. No, I mean what—

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Mr. Crawford: Let the witness answer. I object to that. Let him finish his answer.

Mr. Philips: The witness is not responding to my question.

[51] Mr. Crawford: Yes, the witness is answering your question.

Q. What basis were you attempting to achieve that with?

Mr. Crawford: Now, we object to that. A specific question was asked this witness and this witness was attempting to answer it and I don't think the witness was giving the answer you wanted and you interrupted him.

Mr. Philips: I will withdraw that question and rephrase my question, Mr. Crawford.

Mr. Gorman: I'm sorry. I would like for the witness to be able to finish the answer. Finish the answer, please, and then you can rephrase the question.

Q. What were you attempting to achieve when you came into the school system? What result were you attempting to achieve, Dr. Hall?

Mr. Gorman: Excuse me. If I could ask the witness to finish his answer to the question—

Mr. Philips: You will have a chance to cross-examine him on anything you want to.

Mr. Gorman: I think it is improper to interrupt the witness while he is in the midst of answering a question. I request the court reporter to read the

portion of his answer that he was giving and let him determine whether or not he had answered.

Q. All right. Go ahead. [52] A. I don't remember what I was saying.

Q. I don't either, but go ahead.

Reporter: What basis then did you use to develop the plan? Well, the basis that we agreed on in conference was that—

Q. All right. Go ahead and finish your answer. A. Was that the school system being more familiar with the school system and being under the same court order would first develop a plan, and then we would look at that to see what further needed to be done about it. There was disagreement on the procedure from that point forward, and at that point we set up a schedule to do this. I guess we suggested that we would then look at the plan, both the school system's staff and the staff we would have with us for the study, and try to answer three questions from this plan. One, could boundary lines be altered to achieve greater desegregation? Two, could there be any pairing of schools that might achieve greater desegregation? Or three, could the grade levels of any particular school be changed to effect desegregation? And we didn't agree on that procedure so we had to do that part on our own.

Q. All right. Now, what were you attempting to achieve in the development of the plan? A. To achieve as much desegregation as possible.

[53] Q. All right. And what were the priority of factors or values that you had in mind in the development of the

plan? What was the primary objective? A. The primary objective was to desegregate the schools.

Q. To achieve as much desegregation as possible? A. Yes.

Q. What about other educational factors? A. Well, certainly those were involved. I believe we—in terms of the school organization and structure and what-have-you, to fit all those in together as much as possible.

Q. But they were secondary to the achievement of desegregation? A. Not necessarily, no. I mean they were part and parcel of the same thing.

Q. Well, as you set out in your work, where there was a departure and you could remain only faithful to one or the other, either consistent with the objective of achieving maximum desegregation or remaining consistent to educational principles, which was paramount? A. I don't believe we ran across a case of that sort.

Q. Had you run across a case of that sort, which would have been paramount?

Mr. Gorman: That's hypothetical and it calls for a conclusion of the witness based on facts not present in the record.

[54] Mr. Philips: He is an expert witness.

A. Well, I don't know. The schools exist for the purpose of education and the question just didn't, that particular question didn't come up.

Q. All right. What about the relative values of your objective of achieving desegregation and the objective of com-

ing up with a plan that is administratively feasible, which was the most important? A. Again both of them are part and parcel of the same thing.

Q. So you didn't find any conflict then? Everything you came up with was administratively feasible? A. Yes.

Q. And educationally sound? A. Yes.

Q. Okay. Your instructions— A. I might say, I might add on this point that there was some plans that the school system already had that called for the expenditure of sums of money, and we assumed that the school system, since they had those plans, had that money and that the money would be available to spend. I mean I could go specifically. For example, the school system was proposing to build a new high school called Toulminville or something of that sort, and a new elementary school I believe to replace [55] Howard or to add to Howard. Now, it was assumed that those funds would be available to be spent somewhere or the other.

Q. All right. Now, your primary purpose when you came in, were you instructed to develop a plan to desegregate the school system? Is that the primary instruction you were given? A. Yes. That was the court order. The instructions were in the court order. We had the same instructions as the school system had here. We were both working under the same court order.

Q. What information did you gather while you were here? A. Beg your pardon?

Q. What information did you gather while you were here? A. I gathered the information about the schools, their locations, what they, the size of them, their capacities,

and the number of pupils by race in each school, the number of pupils that were transported, the number of members of the faculty of each race in each school, and a whole host of things that are all included, most of them are included in the report. Then I went myself on Saturdays and Sundays to visit. I visited all the schools in the rural area and I visited several schools in the metropolitan area but not all of them.

Q. How many would you say you visited in the metropolitan area? A. Oh, I would say twenty.

[56] Q. Which ones? A. Well, I specifically visited the Vigor and Blount and Carver and Bienville, however you pronounce that school, and also Williamson and Craighead and Toulminville and, oh, I forget all of them.

Q. These are the only ones you can think of? A. The only ones I can think of right off, yes, but there were a number of others I just don't remember.

Q. Who else did you talk to other than Mr. Bjork and Mr. McPherson during the time you were working on the Mobile project? A. You mean since I was in Mobile?

Q. Yes. A. Who else in Mobile?

Q. Yes, with reference to this matter. A. Well, not specifically with reference to this I talked with the dean out there—what is his name, Hadley, a Dr. Hadley? Is that his name?

Q. At the University of South Alabama? A. Yes. Is that his name?

Q. Yes. But specifically with reference to this who did you talk to? A. Well, I talked to some fellow that drove me around all day, a fellow by the name of, gosh, Wheeler, but just about things [57] in general, nothing specific

about it. He took me, he drove me all day long one day, and then they have a young man there in the Center by the name of Nallia. I just talked with him generally about it. As a matter of fact, I did ask him to gather the data and write the material for Chapter One—that is, the Mobile background of it. He went down to the Chamber of Commerce and various other places on that Chapter One.

Q. Who is this? A. Nallia, N A L L I A, Bill Nallia.

Q. And where is he located? A. He is at the University of South Alabama.

Q. Is he a professor or a student? A. I am not sure. He works in the Center, I think.

Q. You don't know whether he is a professor or a student? A. Well, I don't know just exactly what his title is, no.

Q. And he wrote one of the chapters of the report? A. Yes. He wrote the Chapter One or gathered the data for the Chapter One.

Q. All right. Who else? A. Now, you mean, you are talking about here in Mobile or people that I brought in?

Q. No, I am talking about here in Mobile. A. Well, as far as that—well, of course, there were secretaries, [58] I don't even remember their names. We had three. One of them was named—

Q. That's all right. You needn't go into that. Who else? A. Then there was a fellow by the name of Davis, a man by the name of Davis who did some research for us, and—

Q. Where is he located? A. I think he's a student out at South Alabama.

Q. Give me his full name, if you have it. A. Well, I don't have it. Let's see. Don, I believe.

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Q. How would you contact him? A. Don. If I wanted to try to reach him, I would call the University of South Alabama.

Q. And just ask for Davis? A. Well now, wait a minute. I may have something here that would be better. (Pause) But his work was more superficial. He did some mimeographing and some counting, counting figures for us.

Q. You mentioned previously he did some research. A. Looking up this data about this Chapter One. There was a lot of information on it.

Q. Do you know if he is a student or a professor? A. I am sure he is a student, a graduate student. I'd call 344-3400 and extension 286 or 287, but he was not involved in [59] the, in any of the decision making. He just was sort of an errand boy.

Q. All right. Who else? A. That's all.

Q. Did you talk with any school teacher? A. No.

Q. Or any school principal? A. No.

Q. Any student? A. No. I was told to do all my talking to Mr. McPherson.

Q. Or any school patron or citizen? A. No.

Q. Any of the Mobile City Planning Commission? A. I didn't. I think some of our reseachers went down there.

Q. Who did? A. I don't know whether they talked to them or not. I said I think maybe they did.

Q. But you don't know? A. No, I don't know.

Q. Who would it have been? A. Well, it would have been Nallia or Davis or Bjork or some of them who were doing this Chapter One.

Q. All right. Who are some of them? [60] A. I just said.

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Q. When you said, you named three and then said or some of them. A. Or whoever else they might have had. I don't know who they had digging up the—if you have read the report, the Chapter One is about Mobile County, and so we just gave them that project, gave Dr. Bjork that project.

Q. So if they talked with them, it would have been only with reference to Chapter One? A. That's correct.

Q. All right. In your development of the other chapters of the report, did you or anybody else talk with the City Planning Commission on that aspect of it? A. No.

Q. How about the Regional Planning Commission? A. No, sir.

Q. The City Commission? A. No, sir.

Q. The County Commission? A. No, sir.

Q. The P.T.A. Council? A. No, sir.

Mr. Gorman: I will object to all those questions—

Mr. Philips: You are a little late to object to the questions.

[61] Mr. Gorman: And move that they be stricken and the answers in that the question went not only to the witness's knowledge but whether anyone else talked to these people.

A. And also the question was that we were instructed to deal entirely with Mr. McPherson.

Q. Instructed by whom? A. By Mr. McPherson.

Q. You mean to tell me— A. About anything that had to do with the schools.

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Q. Anything from the school system? A. Anything from the school system.

Q. You mean to tell me you did not go to the City Planning Commission because Mr. Pherson had instructed you not to? A. No, sir, that would not have had any bearing on that. I was talking about the schools.

Q. If you had wanted to go to the City Planning Commission— A. If I had wanted to go to the P.T.A. or to the City, or to a school teacher or what-have-you on some of those questions, I would have first asked Mr. McPherson.

Q. And did you ask him to do so? A. No.

Q. What about the City Planning Commission, would you have asked him to deal with them? [62] A. No.

Q. What about the Housing Board? A. No, sir.

Q. Did you consult with them at all? A. No.

Q. Did anyone under your knowledge, anyone working with you? A. Not to my knowledge unless they did it in connection with Chapter One.

Q. Dr. Hall, the desegregation plan now that you have submitted to the court—well, before I go into that, let me pursue another line of thought. We have asked these questions of you concerning your contact with people in Mobile. What about people outside of Mobile, with whom have you had contact in connection with this matter? A. With, we had a Dr. Woodward—is that his name? Yes, Woodward, a Dr. Woodward from the University of Alabama who came in and helped with the preparation or did the major part of the work on the preparation of the chapter on school finance. We had a Mr. Blue from Auburn, Auburn University, who did a lot of work in connection with map making and the development and checking of tables, and—

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Q. Did he come to Mobile to do that work? A. Yes, and we had a Dr. Michael Stolee who came in to help with [63] the desegregation plan itself, and a Dr. Weincoff, W E I N C O double F, I believe, Dr. Weinkoff from the University of South Alabama who also came in and worked with the desegregation plan itself. Of course, Mr. Jordan, and then we conferred with others such as Mr. Anrig and members of his staff.

Q. Mr. Anrig? A. Yes.

Q. Who is he? A. He is the—well, he is the head of all this Title IV business in Washington. Now, just what his title is, I am not completely clear but he is the head man anyhow. He would be what—excuse me, do you know his name or title?

Mr. Gorman: I am not sure whether he is called the director. He is the head of all the Title IV operation there.

Q. Dr. Anrig? A. A N R I G, Gregory, Mr. Gregory Anrig, or Greg, we called him Greg.

Q. And other members of his staff, you said? A. Yes. I don't know their names.

Q. How many other members of his staff? A. Oh, I would say three or four others.

Q. Were they here in Mobile? A. No.

[64] Q. Did you confer with them up there or by telephone? A. No, in New Orleans.

Q. In New Orleans? When was this? A. Saturday, I think it was the 29th.

Q. The 29th? A. June 29th.

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Q. Okay. To whom did you report directly with reference to your work? A. Mr. Jordan.

Q. What was your purpose in conferring with Mr. Anrig? A. Well, Mr. Anrig is Mr. Jordan's superior. He is the representative of the Office of Education and would have to assume, I guess, final responsibility for anything we do.

Q. And what was the nature of your contact with him? What did you do? A. To review the general developments of the plan.

Q. Did he give you any instructions or directions or suggestions? A. There were some, yes.

Q. What? A. One of them to stay away from expressing my opinion on legal matters.

Q. What else? A. I had something in there that this, according to the court [65] this seems to, according to our interpretation what the Judge said seems to mean so and so and he just said that wasn't our business, to let the lawyers do what the things were. I think you would probably find that further information about him would be better obtained from Mr. Jordan because I was in and out of the room a good bit of the time working on two or three different things. I know you have subpoenaed Mr. Jordan so I would think you would get more information from him on that.

Q. Perhaps I will go into that with him but I would like to know from you what the nature of your contact was and what instructions he gave you? A. We had written a preliminary report and he made a few suggestions. The only one I recall specifically is the one I just remembered, though I do remember there were two or three other points of a similar kind. I guess two or three times in something

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I had written I had made reference to the law and what-have-you and he told me to stay away from that, to let you lawyers do that.

Q. Did you report to him and at that time did you have a map indicating— A. Yes.

Q. What you had developed? A. Yes.

[66] Q. Did he suggest any changes in these, in the substance of your approach? A. Yes.

Mr. Gorman: This is—okay, fine, go ahead.

Q. What suggestions? A. Well, one of them, and I notice it is still in the report—

Mr. Gorman: Let me state here that this is hearsay and my objection is a running one to the conversations as might have been or what might have been said to Dr. Hall.

A. There is one on page ninety-eight that is still in the report. We didn't get it out of the written. We got it out of the map, but I wanted to correct that one thing. Under a school called Whistler it says the Whistler attendance zone is made up of two non-contiguous areas.

Mr. Crawford: What page are you on?

A. Page ninety-eight. That should be struck because at the time I remember there was a plan to, the basic plan had, there was some more room in that building and they were looking for room, and the plan had taken some students in a very round-about way to that school, and he thought that

was impractical and should be eliminated. It was quite an involved procedure. It wasn't just going from one place to another, but in order to get there, you had to go way around the country. You couldn't [67] there like the crow flies or anything like that.

Q. A you-can't-get-there-from-here sort of situation? A. That's right, and he thought that was impractical and thought it should be eliminated and we did eliminate it from the map but I note it's still in there. That first sentence ought to really be struck.

Q. He was the one that you submitted your entire preliminary plan to for approval? A. Yes.

Q. And this was on the 29th of June? A. Yes. I think he also made the suggestion there, if I recall right, and I want you to verify this with Mr. Jordan, that the legality of transportation was a matter for the courts and for the lawyers to decide and we ought to put some kind of statement in there to that effect, that that question needed to be answered by the court and not by us, and the court had said you can, had said desegregate the schools. Now, they didn't say do it by transportation and they didn't say to use transportation or not to use transportation but it was very evident that, if you were going to desegregate some of those schools, you were going to have to use some transportation. Now, that one there never has been a clear-cut answer on it. They just said desegregate them but not how.

[68] Q. This preliminary report you submitted, did he keep that or did he return it to you? A. Oh, we brought it back.

Q. Who has that? A. I don't know who has it.

Q. Who had it when you last saw it? A. About ten different people. I mean we were, we took the preliminary

report and then we started mimeographing it with corrections. We had another lady from the Washington office who was very good at editing and, at least I thought so, I have found a few mistakes in here, but at any rate she just took it apart and handed some to one, we had three secretaries and some to one and some to another. We were in a rush to get the thing mimeographed. We had then at that point set up a conference for Tuesday morning and we had to be ready for that conference.

Q. Where was this work done? A. At Brookley, Brookley Air Force.

Q. This is where you made your headquarters? A. Yes. There were some facilities out there that are owned by the University now, I guess. They were in the process of changing it, by the University of South Alabama. Now, the University of South Alabama was not involved in this study [69] directly except the parts of the thing, except the financing of the thing. They have a Title IV project.

Q. How would I get a copy of this preliminary report? A. I don't think you can.

Q. Has it been destroyed? A. I would assume so because I mean it was not considered to have any value. I have some parts of it in here, some parts that I had written that in my personal pride I thought were better than some of the things were edited into so I just kept them in case I needed to use them again, but I have got some parts of it right in here. I've got a part of Chapter Five in here. Although at the time we talked over there, the best thing we had was the maps and we talked from the maps and not from any preliminary draft. We had a preliminary draft of all of the chapters except the Chapter Five. I had

written some stuff, some material for the Chapter Five which I had sent to Mr. McPherson for his review, just a kind of an outline, and I think this was Mr. Jordan's decision, he didn't like it so he substituted or they substituted other material for this Chapter Five so it never did get into the report.

Q. Do you know who wrote this other material? A. Yes. Different ones helped.

[70] Q. Who composed the other material? A. Well, I would say the primary composer was Mr. Jordan. I helped write some parts of it, and Mr. Weincoff wrote good parts of it, Dr. Stolee wrote some parts of it, or at least the data or the information about it.

Q. All right. While you were in New Orleans with the maps in your discussion with Mr. Anrig, were changes made in the maps as a result of these discussions? A. The one thing about those kids going up to Whistler, that change was made, and then the plan for the rural area, they asked us to review that again and made some suggestions about what to do if we could.

Q. Who asked you to review it again? A. Mr. Anrig and some of the people on his staff.

Q. What was wrong with it? A. Well, there was an all-white—let's see. Two or three things came up. One, whether Calcedeavor was a black school or a white school, and then another one was that there was a school called Griggs that was all-white and a school just—what is it, an island, some island—Hollinger's Island was virtually all white. There were a considerable number of blacks in Davis and Burroughs, and they just asked us to check to see if there wasn't some kind of way where some of those pupils

[71] could be placed in Griggs to integrate Griggs and Hollinger's Island, to see if we could, and I guess on the final analysis we did not. We drew an arrow and said if it could be done, do it but that we did not have time to finish that.

Q. You did not have time to make the determination? A. To make the determination, that's right.

Q. All right. Who else did you talk to besides Mr. Anrig and the several people you have mentioned? I believe you said there were several others. A. Yes, sir.

Q. Who else have you talked to outside of Mobile? A. I think that is all. That is all I can recall right off.

Q. Now, Dr. Stolee and Dr. Weincoff, when did they come to Mobile? A. Weincoff was here—well, they both were here Thursday and Friday, the 26th and 27th.

Q. Thursday and Friday, the 26th and 27th of June? A. That's right.

Q. Had they worked on the project prior to coming to Mobile? A. Yes, they knew they were coming and we had sent them just some preliminary data, like I had sent them a copy of the material and the rough draft we had on it up until that time to give them a little background on the situation. We had all the maps. Mr. McPherson had given us spot maps of the [72] metropolitan area and we had all the maps, and then we—

Q. Excuse me. By spot maps you mean maps locating the— A. Pupil locater maps, I believe you all call them, yes, and really are by numbers rather by spots, and then we also had the proposals which the school system had made in compliance with the court order, together with the figures that, with the approximate figures that would

be in each school, and we had all of that data which was available and worked from that data in interpreting any new kind of arrangements that could be set up.

Q. Who actually drew—Dr. Stolee and Dr. Weincoff then worked on this on Thursday and Friday when they were in Mobile? A. Yes.

Q. Who actually drew the maps setting out the attendance areas represented by your report? A. Well, I would say that that was a sort of a cooperative undertaking. We would sit there and look and study and analyze and somebody would go up and say could you do it this way or could you do it that way.

Q. All right. When were these drawn? A. When were these maps drawn?

Q. Yes. A. On that Thursday and Friday.

[73] Q. All right. Who were the people—you say it was a cooperative process. Who were, name the people who were involved in this cooperative process? A. Well, I would say the ones who were involved in the line drawing were those four, Stolee, Weincoff, Jordan and Hall.

Q. By Hall you are referring to yourself? A. To myself, yes, and the—

Q. And the decisions where to place the lines? A. Well, we had some other people like Mr. Blue that we would say if you did this, how many people are involved and so they would go count.

Q. Checking the figures? A. Yes.

Q. Who was involved in the decision making process as to where to locate the lines? A. The four.

Q. You and Dr.— A. Stolee, Weincoff and Jordan.

Q. Okay. When did Dr. Stolee arrive in Mobile? A. On Thursday night.

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Q. And when did Dr. Weincoff arrive in Mobile? A. Thursday noon about, right after, shortly after noon. Incidentally we worked practically all night that night plus practically [74] all night Friday night and all day.

Q. Do you think the desegregation plan that you submitted to the court is the best desegregation plan for the Mobile public school system? A. I would think that there could probably be some adjustments in it that would improve it.

Q. Do you think you had adequate time to do what you were called upon to do? A. In terms of what we did, yes.

Q. What did you do? Explain your answer a little bit further. A. Well, we proposed certain things that could be done in one year, and then we—that is, starting September the 1st, certain things that could be done. We proposed certain other things that could be done a year later, but we stated that the boundaries might have to be shifted one way or the other a little to get your figures and capacities right.

Q. Is this because you didn't have time to locate them specifically? A. That is part of it. Part of it is between now and then there will be some changes. I mean there are changes every year.

Q. Well, I am talking about September now. You have recommended something for September. There won't be any change back and forth between now and the opening of school in September, [75] will there? A. There could be, there could be. Just like in the July 29th court order you went back to the court and got a change made in one of the schools, Morningside School, and so if some obvious improvement could be made, then it could be adjusted

or it certainly would be my recommendation that were adjustments were warranted, that the court ought to permit it.

Q. Well, the maps you have submitted then don't represent any definite recommendations as to locations or lines? A. Yes, they represent a definite location but they also indicate that the probabilities are they may have to be shifted a little. I have never seen a school system yet where you didn't have to make some adjustments, but the basic ideas are all there and sound and I would think that probably the people in the school system could make some adjustments one way or the other.

Q. For what purposes, why would you make adjustments, in order to reconcile school capacities with the enrollment— A. Yes.

Q. Based on the lines? A. Yes.

Q. What other factors would you think would necessitate an adjustment? [76] A. Well, that is the only factors I can think of right off.

Q. So the only reason you didn't definitely locate the lines then is— A. We did definitely locate the lines but we said that also that there might need to be slight adjustments in them.

Q. Do you think you had sufficient time to develop, to do the work you were called on to do? A. No, sir, there is never time to do anything thoroughly. I think there was sufficient time to develope the basic concept but I don't think there was sufficient time to work out all the details.

Q. What was the basic concept that you developed with reference to the rural schools? A. Well, the basic concept there, we took the proposals made by the school system to see if they met the desegregation plans and then made adjustments in them where we didn't think they fully met

them, and we made one that just seemed like better administration but that was not really a desegregation matter.

Q. What changes did you make in the school system proposal? A. In the rural?

Q. Yes. A. In the rural we changed Burroughs which was virtually an all-black school down near Theodore, if you know the school, and [77] it was a one to six virtually all black and we said we could not go with that, there had to be an integrated school, so we made it a six to eight school instead of a one to six and took the junior high out of Theodore and put the junior high in Burroughs, the seventh and eighth grade, and the sixth grade out of Davis and put it in Burroughs and then that integrated all of the schools. At the same time in a personal conversation with Mr. McPherson I said if you've got a better way to do this, just to get it integrated, well, that will be fine but we just couldn't leave it all black.

Q. The only reason for the change then was to avoid leaving it an all-black school? A. Yes.

Q. What other changes were made? A. Well, the only other changes we made, we suggested that the seventh to twelfth, I mean the sixth through eighth attendance lines in, for Citronelle be the same as the senior high, and then the consolidation of Mount Vernon and Delsaw be for a one to five setup but also include Calcedeaver in the one to five, and then drop down a little further south and pick up some of the Lee students.

Q. Why was this change made? A. Well, it seemed like better administration, better operation. [78] The Calcedeaver children were virtually all on busses already. That whole school is transported already and it just seemed

like a better operation to us to put it that way. Now, there was a big question came up, though, about the Calcedeaver children are listed as white and Delsaw, the Delsaw-Mount Vernon area is predominantly black, and by putting the Calcedeaver children in you've got a greater number of white, these people who are classified as white. I don't know whether they are white or not.

Q. And you recommended closing the Calcedeaver school? A. Yes. Now, the County plans, their general plans were to build a one to eight school, a consolidated school to replace Delsaw and Mount Vernon.

Q. For September? A. No.

Q. Well, let me ask you this: The change that was required or recommended in connection with the Burroughs School that you have mentioned and Calcedeaver, in Burroughs was in order to avoid having an all-black school. Who made the determination that a change would have to be made in order to accomplish that result? A. Mr. Jordan and I.

Q. Did you feel that it was necessary to avoid having an all-black [79] school? A. Yes.

Q. Did you feel that the court order requires that? A. Yes.

Q. Can you show me in the court order where it says that? A. Well, it just says maximum desegregation or something like that or positive or whatever the words are.

Q. Did you interpret that to mean that you must eliminate— A. Black school wherever possible.

Q. All-black schools and all-white schools? A. No, sir. I didn't interpret it that way but wherever possible.

Q. Wherever possible? A. Where you could do it, do it and we felt that this was one place that it could be done.

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Mr. Gorman: Let's take a short break.

Mr. Philips: All right. Let's take five minutes.

(Recess)

Q. We were talking about, I guess, the Burroughs situation and the sole reason for requiring the change in what the School Board proposed there was to avoid the existence of an all-negro or all-black school? A. That's right.

[80] Q. Was that the primary criteria that you used in your development of the whole plan? A. Well, that was what we considered the court order was all about, yes.

Q. As I understand it, the court order talked in terms of desegregating the school system, not eliminating all-negro or all-black or all-anything else. A. Well, there again I don't want to get into interpreting legal matters, but all that preface that went on before the thing where he threw out all your boundary lines, where the Circuit Court, you had drawn boundary lines, the Judge himself, as I understood it, for the elementary and the junior high schools for the metropolitan area, and the way I read it in the preliminaries to it, they had thrown everything out and said start over or words to that effect, and then he said, I don't know, what are those words, positively or affirmatively or something like that—

Mr. Crawford: What court order are you talking about?

Mr. Philips: We are discussing the one he was working with.

A. The June 3rd.

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Mr. Crawford: June 3rd?
Mr. Philips: Yes.

A. The June 3rd court order said positively or aggressively or [81] something.

Q. Well, that's all right. I know what the order says. I was just interested in your interpretation of it and what you would— A. Well, I was told not to but you couldn't help but do a little of it.

Q. Well, you have got to interpret it to know what to do, haven't you? A. That's right, and it just seemed to us, it seemed to us to say or it seemed to me to say, and everybody else in this, that what you have done isn't satisfactory, now do more, and that seemed to be the meat in the coconut so far as the court was concerned.

Q. Among the doing more did you interpret it to mean the necessity of eliminating any school that was all-black or any school that was all-white?

Mr. Gorman: I am going to object to that question. You are asking this witness, who is an educational expert, to give a legal opinion—

Mr. Philips: I am asking him to give the basis upon which he proceeded and he's got to proceed on some assumption or on the basis of some criteria, and I don't mean to be argumentative but this is what I want to know.

[82] A. Well, the basis on which we proceeded was to eliminate as many black schools as you could within reason.

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Q. As the primary criteria? A. Well, that that is what the court order was about.

Q. Is that what you took as the primary criteria? A. Yes, and by within reason, I mean with a sound educational program.

Q. What about the elimination of all all-white schools, was that also— A. That would be a question of philosophy which I expressed my opinion on, that I personally thought that I had not seen anything in the courts about eliminating all-white schools. There was some kind of opinion that the Fifth Circuit rendered sometime ago that said there wouldn't be any all-black schools but we wound up, as we said here, with five and we couldn't see any way within reason of eliminating those five. Now, I don't know whether the court will throw it out and say eliminate those five or whether they will—I don't know what they will do with it but we said we did the best we could.

Q. Now, you said just then you hadn't seen anything in the courts about this, that or the other, I don't remember the exact proposition. A. About white schools.

[83] Q. You are then drawing on your interpretation of court decrees in formulating your criteria as to what you did? A. Yes, you have to—

Q. Your interpretation of court decrees, not only this one but other court decrees, is that correct? A. Yes, that's correct. That's correct and—

Q. What criteria did you use, if you will name them, in arriving at the attendance areas that you recommended to the court? A. The criterion of promoting as much integration as possible, together with a sound administratively feasible educational program.

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Q. All right. Promoting as much integration as possible— A. And with no greater expenditure of funds than had been previously contemplated by the school system.

Q. All right. What are the specific criteria that you adhered to beyond promoting as much integration as possible? A. Well, we—

Q. Specific criteria. Just to say a sound educational program is— A. Well, we used as a guideline that the school system was trying to work toward a one to five system, a one to five elementary setup. Then we ran into places, all right, could you pair without interrupting that one to five sequence— [84] that is, have maybe two grades in one school and three in the other, and so we decided that was still within the framework of sound educational policy, that you could so pair, and if that would produce greater desegregation, that could be done, and so also the question came up—

Q. Let me ask you this, and I will let you go ahead and enumerate the others, but let me ask you about that one. Would you ordinarily recommend such a pairing as you have described if you weren't dealing with the desegregation process? A. No.

Q. All right. Go ahead to the next one. A. But we were dealing with desegregation.

Q. Go ahead with the next one. A. Then the question came up then about the Blount-Vigor thing, as to whether it wouldn't be better to make one of them say just a ninth and tenth grade school all by itself and the other one an eleventh and twelfth grade school all by itself, and we realized the problems you run into with extracurricular activities and athletics and bands and what-have you, and

they were so close together as the crow flies, about two-tenths of a mile between those two school grounds. It's a long way around the way you have to drive, that we thought that for their extracurricular programs and things that involved all [85] of them together, but the school system in its operation would probably basically put all ninth and tenth grades in one place and all eleventh and twelfth graders in the other so that it wouldn't have to be a complete changing of campuses between every class and every period.

Q. So you basically paired these schools? A. Basically but put them together administratively for anything they needed to be together administratively for, and the same thing was true in—what was it—Williamson-Craighead. Williamson and Craighead was—yes, Williamson and Craighead.

Q. Would you ordinarily do this sort of thing in a school system except for the desegregation process? A. No, I wouldn't think you would. Unless you had that in mind, you would not.

Q. What other criteria now did you adhere to? A. Well, I think I have named them.

Q. Okay. Those that you have named are all the criteria that you adhered to? A. They are all I can think of at the moment.

Q. As a basic principle do you believe a liberal transfer policy is a desirable thing in a school system? A. Before school starts.

Q. Before school starts? [86] A. Not after school starts. I believe once he has made his course, he ought to stick to it for a year.

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Q. In your development of your study and recommendations did you have knowledge or gather knowledge concerning the Board's long-range plans in connection with the school system? A. A good many of them, maybe not all of them.

Q. Where did you acquire this information? A. Well, one was in this report to the, that the Board submitted about its plans for the use of the different, that the school system submitted to the Court about its plans for the use of buildings, and particularly in the rural area I talked with the people at the School Board about what they saw the developments were.

Q. Who specifically did you talk to? A. Mr. McPherson specifically.

Q. Did you have any other source or any other knowledge concerning the long-range plans? A. No.

Q. What do you consider, Dr. Hall, as a desegregated school system? What do you consider an integrated school system? When have you achieved an integrated school system?

Mr. Gorman: Now, I will object to that question. That is a legal question and this witness doesn't have the cognizance or the [87] expertise to—

Mr. Philips: He was told to achieve a desegregated school system and he acted toward doing that. I would like for him to tell me what he was attempting to do and when he thinks it will have been accomplished.

A. When you have gone just as far as you can to relieve desegregation within reason.

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Q. Would you give me an example of this? A. Now, I don't know what the—you see, this thing has changed as we have gone along or maybe it has been clarified, I am not sure. When we first started off, it dealt only with pupils, it didn't deal with staff at all the first few years of these court orders, and then it got into staff. I remember the first court order that we had, that all we had to do was just to notify every pupil that he could go to whatever, that he could apply to go to any school that he wanted to. That was the first court order. Then as they have moved this thing along, they have gotten further and further or more stringent in their interpretations. Now—

Q. So you have a changeable standard, I gather? A. Yes, I think—I don't know whether you would say the rules have been changed or the rules have been clarified but, for instance, at one time in our own school system we had a de- [88] segregated school system by the definition at that time but by the present definition it's no longer desegregated, so you get additional understandings. Now, so far as I am personally concerned, when you have gone just as far as you can possibly go within reason, then you have desegregated. Now, it could well be, though, that we left these five all-white schools and it could well be that the court would say that that is not going far enough. At one time you could ask yourself these questions, and if you could answer them affirmatively, you were all right. One, if we hadn't had a dual school system, would I have built this school in this particular spot, and if you said no, it wouldn't have been built here, then you eliminated that school and then you had that problem resolved.

Q. You mean you closed that school? A. If you closed, if you eliminated that school, and now, now the question

is coming up all over the country, as you know, and certainly we have it in our own community and I haven't seen the answers to it. If you have a community of say three miles wide and seven miles long and it's solid black and there are twenty-five thousand pupils in it and you need to build some schools, should they be built in that community or should they be built out somewhere else in order to achieve desegre- [89] gation, and that's a problem that is confronting the whole educational profession and the answers yet are not clear cut on that.

Q. What is your opinion? A. If you—excuse me, there's one other question I said you could ask yourself. Have I made any distinction because of race, and if you answered that no, but the general interpretations, as I have gathered along at least for a period of time, I don't know how long this will be, but in the process of eliminating the dual school system, you must not only, you must take race into consideration. It's a paradoxical point but you must count noses and take race into consideration rather than just ignoring race, and you must do that both for faculty and for students, and I assume that there would be some ultimate time out here after you achieve your goal, then when you would completely ignore both and proceed along that point, but there is a period of time that we are going through now where the courts are saying you must take race into consideration. Now, excuse me, but I wanted to bring that out. Now, what is your question?

Q. Well, I was trying to get around to get you to tell me, if you could, when you have a desegregated school system. What is a desegregated school system? [90] A. Well, that one I have been trying to find out.

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Q. And you can't tell me? A. No. That is one question we are asking you all to try to get the court to say here if—you see, this court has ruled, as I understand it, it seemed to me to be a sort of an in-between thing in some decisions that there would be no all-black schools in the south or in the Fifth Circuit, and I have racked my brains how you could do that, and they haven't spelled out, they haven't said you have to bus to do it. They just said there would be none. Now, in this proposal here there is some bussing introduced. It's a minimal amount and we did not go so far as to go what we call cross-bussing. We were —well, we just haven't reached the point, or at least I haven't reached that point in my own philosophy to think that is good educationally, to haul people out of one community and out of another. Now, we did one-way bussing but not cross-bussing in this proposal and we did it in those places where the school system was proposing to build, to put new construction—that is, in this plan, in this write-up that I am talking about they were planning to replace the Emerson School, said they had been wanting to rebuild the Emerson School a long time, and we simply said if you are going to have desegregation, the place to build it is not there, but [91] build it over here so you would have the same capital outlay cost to build it over here, and the same thing with Howard, and the same thing with Toulminville.

Q. You refer to the same capital outlay cost. Do you take into account there the fact that in one instance over $200,000.00 and the other almost $200,000.00 in land acquisition which will then be lost at those existing sites? A. Well, I wouldn't say those would be lost because, if they

cost $200,000.00, then they have that value, either to some other public agency or to some private group if they wanted to sell, and the chances are you could buy additional sites, at least this has been my experience, I haven't checked it here in Mobile, for whatever you could realize, you could buy more land out than you could in because the land in is usually higher than the land out, and I am all in favor of keeping land in in the hands of some public agency because we are running into the shortage of parks and everything else in facilities, but—

Q. Did you make any studies of land values in Mobile? A. No, sir.

Q. Did you make any inquiry into land values? A. No, but I am just going on what is generally the situation.

Q. All right. We have gotten kind of far afield from the orig- [92] inal question that I have asked you. Let me try to— A. Excuse me. Let me get back here. You originally asked me what did this court order say and I understand that—

Q. That's all right. I am confident that you can read the court order to me. A. And I was going to tell you what I thought it meant. We keep coming around to that.

Q. You can't now tell me what you thought it meant without reading the court order? A. Well—

Q. Well, can you or can't you? Can you tell me now without reading the court order? A. Yes.

Q. What? A. I have already told you.

Q. Okay. Then there is no point in reading the court order. A. All right. (Pause) This is all the preliminaries, isn't it? Where does it get down to the order itself?

Mr. Crawford: The meat is right over here.

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A. I don't find what I am hunting anywhere. Anyhow, they threw out—what I was simply saying, that I interpreted it to mean—yeah, there are the words that I am looking for right there. I wonder why I couldn't see it. "The District Court shall [93] forthwith request the Office of Health, Education and Welfare to collaborate with the Board of School Commissioners in the preparation of a plan to fully and affirmatively desegregate all public schools in Mobile County, urban and rural." Now, that—

Q. That is what I asked you. A. Yes.

Q. Can you tell me when you fully and affirmatively desegregate a school system? A. Well, that is what we thought this plan did and I am also saying that the Court may say it doesn't, but when we had gone as far as you could within reason in the desegregation of the schools, and by in reason—

Q. And what do you mean by that, "going as far as you can in the desegregation of the schools"? Does that mean simply getting as many negro children with as many white children, or what does it mean? A. That is—yes, providing student bodies that are racially mixed.

Q. On a ratio or what? A. I guess in your preference, if you had your preference, yes, it would be the ratio of the whole thing but you can't do that within reason, at least I don't think you can.

[94] Q. But that would be the ultimate that you would shoot for? A. Yes, I guess you would say that that's, it seems to be what the court is saying, at least in my interpretation of what they are saying, and you are asking me what I feel about that.

Q. Do you feel then under the court order what you are required to try to accomplish then is a racial balance

in the school system based on a ratio of the total student population? A. That would be the ultimate, yes.

Q. Then you think that was what you were supposed to work towards? A. We were supposed—I thought we were supposed to work just as far as we could to creating a desegregated situation, yes.

Q. And by a desegregated situation you mean a racial balance? A. A racial mix, yes.

Q. A racial balance, a ratio? A. Well, I guess if you could take the ultimate, you would say a balance but we certainly didn't come up with any balance.

Q. Well, what I am talking about is what you were working towards. A. Well, we were working towards a racial mix.

Q. To desegregate the school system as far as you could? A. Yes.

Q. And that you interpreted to mean ultimately, in the ultimate, a racial balance? A. No, we didn't interpret it to mean—

[95] Mr. Gorman: Wait a minute. You have asked that question at least forty times during the—

Mr. Crawford: A racial mix and not balance. You are leading him by trying to get him to say balance.

Q. When you have got a racial mix, when can you tell me that the racial mixture is a desegregated school system? What racial mixture is a desegregated school system? A. I have no guide to just—if you have a considerable number of both races in a school, then you have a racial mix but I wouldn't set a definite percentage.

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Q. So then you don't think there is any definite percentage? There is nothing the school system can look to and say we have done all we can do, as you phrase it? A. That's right.

Q. Now, what about the resegregation? Suppose you do all you can do and then human nature takes its course and people resegregate—

Mr. Gorman: Now, I will object to that.

Mr. Crawford: We are going to object to that because that calls for some facts that are not in issue here. That calls for what would happen in the next twenty years or ten years, and this man was ordered to follow the decree as of now, and I think that is asking for a supposition that he is not compe- [96] tent to answer.

Mr. Philips: He says that he has experienced the phenomenon of resegregation and I would like his opinion on it.

Mr. Crawford: Only as it relates to a general area but not specifically to Mobile, and that is my objection.

Q. What do you do when you have resegregation? Do you still have a desegregated school system or do you start over again? A. Can I talk now? I mean I was waiting until—

Q. Yes. I am not trying to bewilder you with it but— A. Yeah. Well, basically what you are saying is can you ever say that you have arrived and the problem is solved and I used to think you could say that about a lot of school problems but I believe this is probably one of

those problems where it is going to be a persistent problem just as the education of children is persistent, and probably there would have to be further adjustments made at some time in the future.

Q. Okay. Now, if you will, you have the court order in front of you— A. Now, there was a big argument over in Columbia, over in South Carolina, they were telling me about as to whether de facto, about de facto and de jure. If it was de jure, then that was caused by a school that was built for blacks and it had to be eliminated. If it was de facto where it had developed, [97] but I don't know what the decision was or whether there has been any decision or whether there is a difference in it or not.

Q. Is there any significance to you in this? A. Well, it was in a way. We are talking social philosophy now a little bit—

Q. Well, let's talk education. A. Well, you have to, in order to talk education you have to take some of the other problems of society into mind also and relate education to the society's problems. Now, actually I guess what people say now is that the black man has complete freedom of choice as to where he will live, but that time hasn't quite arrived yet either in spite of—I mean I just know of a number of cases in my own community, and I am sure you can find them in other communities, so sometimes society itself is responsible for the resegregation as such.

Q. Well, let me ask you this question: You have the court order there. If you will, show me in this court order where it calls upon you to make recommendations with reference to desegregation of faculty? A. That is in that basic statement that I just read you.

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Q. Read it to me again, if you will. A. Positively and—what were those words? You found it. I [98] couldn't find it before. "Of a plan to fully and affirmatively desegregate all public schools in Mobile County, urban and rural".

Q. And you interpreted that to mean the involvement of faculty also? A. All other court orders deal with faculty and students. Every one of them I have seen. As a matter of fact, prior court orders in this case have dealt with faculty. They weren't mentioned here but I just assumed that it did but whether—

Q. Were you aware of whether or not faculty had been an issue before the court when this court order was issued? A. No, sir. All I read was that statement that says to prepare a desegregation plan, and a desegregation plan, all of them that I have worked on, both in court and out of court, and I have worked on a number, is not considered complete unless it involves staff.

Q. Did someone tell you to include staff and faculty? A. Well, I guess—I raised the question with Mr. Jordan and he said yes, he said we should.

Q. Was it called to your attention that this court order didn't mention faculty specifically? A. Yes.

Q. Was it called to your attention that faculty was not an issue [99] before the court when it issued this order? A. Yes.

Q. Who called that to your attention? A. Mr. McPherson, I think it was.

Q. Did somebody else call to your attention any counter-information indicating that that was incorrect? A. No, nothing other than just this statement we read here, pre-

pare a complete plan, and I have seen no plan yet that has been acceptable in court or out that didn't include faculty. However, if it's a moot issue, that would be up to the court, but we just considered that a part of what we were asked to do.

Q. Okay. Did you go to court and ask for clarification on it? A. No, sir.

Q. Who did you ask for clarification on it, anybody? A. Just ourselves. I would like to go to the court but I wasn't sure about protocol. I mentioned this to the—I would like to ask the court several questions but I didn't want to, I didn't know whether you were allowed. I would like to have asked the Circuit Judge here just what he meant but it would be questions you are asking me and I think would be better asked of him, and if he would say, then we would all know which way to go.

[100] Q. That is interesting. In dealing with the faculty aspect of it, did you have occasion to review the existing personnel policies of the School Board? A. Yes. Well, not in detail. I reviewed some of them.

Q. What did you review? A. The basic general plan. I guess I did this more by talk than I actually looked at any written documents. I don't remember looking at any written documents. I don't remember looking at any written documents on it, just I talked with them about what the plans were.

Q. Who did you talk to? A. Mr. McPherson.

Q. The only information you have then on the Board's personnel policies is from your discussion with Mr. McPherson? A. That's correct.

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Q. Did you ask him if the Board had a definite personnel policy overall? A. I don't recall whether I did or not.

Q. Did you think that relative to inquire whether they might have some existing policy before recommending a new policy? A. Not particularly. I judged—I did read in the court orders, the court order of March 12th some year, I believe it was, that had some materials in it about faculty. I can verify that if it's important.

[101] Q. If it's in the court order, then it's before the court.

Mr. Gorman: I think all of this is set out in the plan as well.

A. Yes, I believe it's in the book there, what the court order of March 12th—March 12th, yes, that's right.

Q. All right. This is a court order. Let me ask you—A. But I didn't know whether this court order still applied because in the July 29th court order the Judge just made a passing remark about faculty and activities and buildings, I believe. He said they were covered in a previous court order, and I didn't have the Judge Thomas's order but in discussing it I gathered that his order was based upon the March 12th—

Mr. Gorman: Could I help him?

A. The March 12th Circuit Court.

Q. You needn't read the order. A. Oh, yes, I am sure you know it by heart.

Q. Yes, I've got a copy of it. A. Yes, so I assumed that one still prevailed.

Q. You didn't inquire about any additional policies or any written policies then overall dealing with faculty and staff that the School Board might have? A. No.

Mr. Philips: Let's take a short recess.

(Recess.)

[102] Q. Let's put this on the record. If you will, restate what you have just said.

Mr. Crawford: Now, I am going to object to this unless a specific question is asked. He was saying that this was off the record and we were supposed to be in recess.

Q. All right. That section of the report dealing with faculty, does that reflect your wording of that report, that portion of the report? A. No, sir. There are several topics there that I would have changed the "shall" to a "should" —in other words, as a suggestion rather than a seeming order.

Q. You would then change, where what you have submitted, the report, says "shall", you would change it to "should"? A. Yes.

Mr. Crawford: Where is that found?

A. Right there.

Q. Whose wording is that, Dr. Hall? A. Mr. Jordan, I guess.

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Q. You don't know for sure? A. 106. No, sir. All I know is I got it from him and the only—well, it's sort of an insignificant point but—

Q. Who wrote this section on faculty? A. The principals, teachers, teacher aids and other staff who [103] work directly with children of a school shall be assigned, and I would have just said "should be assigned", that's all.

Q. Who wrote the section on faculty? A. Mr. Jordan.

Q. Mr. Jordan? Okay. A. I had written a previous section that was rougher than this and he—well, it had the shall and the should, but the final ruling was that this one would replace that.

Q. What portions of this plan did you actually, do you take credit for? A. As the sole author?

Q. Yes. A. Or as the principal officer?

Q. Yes. A. I would take credit for Chapter Two—

Q. What chapter is that? A. In its entirety.

Q. What chapter is that? A. That is the status of things as they now are. I would take credit for reviewing Chapters One, Three and Four, which are the background for Mobile, I mean I did editorial work on that and made several changes, and Chapter Three I made some changes, that's the finance chapter, and Chapter Four, I take [104] about half credit for Chapter Four.

Q. Which chapter is Chapter Four? A. That's the course of study.

Q. Which is the chapter with the recommendations for the attendance areas and the lines and— A. That's Chapter Five. Chapter Five, I would take—well, that was a cooperative project. I would have to take full responsibility as the director of the study for Chapter Five and

also this chapter here. I just said I would have changed a few words.

Q. You take full responsibility for it but whose work does it represent? A. Well, it represents the combined work of these, this Chapter Four, of these four people, I mean Chapter Five of the plan, the combined work of the four people I mentioned before, Stolee and—

Q. Who made the primary decisions in the location and composition of the attendance? A. Well, the final decisions, the head man was Mr. Jordan.

Q. Who made the working decisions? I am sure he had to approve it, he had to approve anything you did. A. The working decisions on what?

Q. On the location of attendance area lines, the composition of— [105] A. That was a cooperative thing. I don't know if you can understand that fully but here are four people working together and you try out something here and try it a different way, and to say which one did the final thing, I know of no way to say that. That was a cooperative thing, and Chapter, this section on personnel, the prime officer was Mr. Jordan but all of us—

Q. The same four? A. Pitched in—no, I'm sorry, just the two, plus Mr. Anrig.

Q. Okay. Now, did Mr. Anrig have to approve everything? A. No, except in broad terms. I guess he would be stuck with everything that is in it but it's just like President Nixon is stuck with everything that everybody does but—

Q. But these things were submitted to him for review, were they not? A. Yes, and he was, at the same time he was reviewing about twenty other plans so he was dealing in broad general things and not—

Q. Twenty other plans across the country? A. Yes.

Q. Do you know what other plans? A. Well, Louisiana and Mississippi—Louisiana, I guess. They were in New Orleans so I guess they were working in Louisiana [106] or in New Orleans particularly.

Q. Was there an effort made to make these plans coincide? A. No, no effort made to make them jive. However, I think there are certain standard wordings that crop up in a number of reports.

Q. A canned form or a standard phraseology? A. I imagine that, I guess I've done myself, I said I had done about ten counties. Now, I usually alter a few words but the basic idea, it comes out in each one of them.

Q. This basic form that was in usage, was this your form or was this somebody else's form? A. I don't even know that there is a form. I said the probabilities are. For instance, Mr. Jordan had just finished doing twenty some odd schools or thirty or some number in Columbia, in which the general problems—of course, you will have specific communities that will have variations, but the general things would run consistent in all of them.

Q. These in South Carolina that he had been dealing with, as well as the ones in Mississippi and Louisiana that Mr. Anrig was working on at that time— A. Yes, and I guess others, too. I know Mr. Jordan has got, right now he has got several school systems in Alabama and several in Mississippi that they are working on, and if there [107] is not some similarity between them, it would be amazing to me, I mean once you have worked through a program.

Q. Which ones in Alabama are you working on now, do you know? A. No. It was in the paper, Jefferson County, not Birmingham but—

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Mr. Gorman: The City of Bessemer.

A. Well, it's a county.

Mr. Gorman: It's in Jefferson County.

A. Jefferson County which does not include the City of Birmingham, and then there are a couple of others similar in that same general area. It was in the paper here. I saw it in the paper. I forget what they are.

Q. Dr. Hall, how long were you in Mobile? A. I was here for twenty-eight days.

Q. You came here when?

Mr. Crawford: This is repetitious. He has already said June 10th.

A. Yes, June 10th.

Q. And when did you leave? A. July 3rd, or about July the 4th. I was here all day the 3rd but then I took some things with me to do after I left and so I worked on up through the 7th.

Q. Were you here constantly throughout that time or were you in [108] other places? A. No, I was—well, I ran out to, for one thing. I made a speech in Jacksonville, I think. Yeah, I had to go to Jacksonville. This was a commitment I had made but I took my work along and worked on the plane.

Q. When was this, the 23rd or the 16th? A. The 16th.

Q. What about on the 23rd? A. The 23rd? The 23rd I went over to Edgewater Beach but I was only gone about three hours, four hours.

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Q. Was there any other time that you left Mobile or were you in Mobile constantly other than those two occasions that you have mentioned? A. No, I think I was here constantly, and the fact that I was away those times didn't mean anything because I was working on the stuff. All I had to do was stop long enough to make a speech.

Mr. Philips: Let's take that five minute break that I started a half an hour ago.

Mr. Crawford: Now, don't say anything while we're on the break, Dr. Hall, or he's going to call you back on the record.

(Recess)

Q. Dr. Hall, do you consider as an important criteria in the [109] assignment of students within reasonable bounds filling schools to capacity but not over-filling the schools in order to make sure that all students are housed? A. Yes, that sounds—

Q. It's almost elementary, isn't it? A. Yes. Although a common practice is in most of your larger school systems they have portable classrooms that are just as good, that they can move around.

Q. That's what I had in mind when I said within reasonable bounds, that you are frequently over-filled slightly. A. Right.

Q. You think any desegregation plan then to be practically workable in your figures that you are dealing with in the assignment of students to schools have got to be accurate within bounds, should they not? A. They should be, yes, reasonably so.

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Q. Were your figures accurate that you were working with? A. Reasonably so. There may, I believe I indicated in the report that there was some degree of error in transferring them but within reason I think they were.

Mr. Philips: I have no further questions.

A. Do you have something particular in mind? Do you find some error we made?

[110] Mr. Philips: Well, I am not through evaluating it. I probably will.

A. Well, if you do find one, I think you ought to tell us and then we would probably, we would try to correct it.

Mr. Philips: I probably will find some. I was just interested in a general concept.

A. If you or the members of the school system found some error, I think you would have an obligation to tell us.

Mr. Philips: I am sure we would if we did.

*On Cross Examination by Mr. Gorman:*

Q. Let me just go over a couple of things here. Now, Doctor, when you were working on this desegregation plan, you had, you did certain work yourself, is that correct? A. Yes.

Q. And you had several staff people doing work along similar lines while you were working, is that correct? A. Right.

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Q. And the staff people included personnel from the University of Alabama? A. The University of Alabama specifically requested that they not be involved in any of the vital parts of the desegregation study so we did not ask them to participate in any way [111] in any of that.

Q. But you did get some— A. But they did do help. In other words, if we would draw a map and said we need another copy of it, then they would make that for us but they had nothing to do with the map-making itself.

Q. Dr. Woodward did some help with respect to— A. He did practically all of the—yes, I would say he did practically all the chapter on finance.

Q. And you also had some assistance from the University Center at Auburn, one or two of the people there? A. One man came down and worked the full time, yes. Well, not the full time. He was here a week or two. I don't know exactly how long he was here.

Q. And you also had assistance from the Atlanta office of the Office of Education? A. Yes.

Q. That is Mr. Jordan's office? A. Yes.

Q. And the University of South Alabama?

Mr. Philips: I think all of this—he has already gone over all of this, Walter. This is totally repetitious.

Q. Now, after contact had been made with the School Board, the [112] School Board or the school officials submitted plans, desegregation plans to you and your staff, is that correct? A. That's correct.

Mr. Philips: You say the School Board submitted them to you?

A. No, the school officials he said, I thought, the representatives of the school system, the staff. They were staff proposals. I don't know whether the Board had seen them or not.

Q. Now, were those proposals both with respect to the rural and the metropolitan schools? A. Yes, at different times.

Q. And what did you do with those proposals? A. Let's see. We had set up a schedule in our conferences that the rural, that we would have a conference for the rural presentation on Wednesday, I don't know what day—let me see now. Let me get my dates straight. Anyhow, the presentation on the rural was made and then the—maybe, I don't know the day of the week. Maybe it was Friday. And then we set up a conference for the presentation of the metropolitan on the following Wednesday, and then we would have a joint conference on Friday of that week in which we would work out all of the details, but the representatives of the school system felt that they shouldn't participate in that, that we ought to develop our own plans separately, so we did not work with [113] them on that.

Q. I see. Then you planned to take the proposals that had been made by the school officials and suggest, study them and suggest any modifications or adjustments that you thought were appropriate? A. Well, our basic plan had been that with our consultant, I mean my basic plan had been, I won't say our, that with our consultants that we would take Friday and work through everything that we had up until that time and make proposals trying to answer the three questions that I indicated previously and

that we would just all sit around and do that together. Now—

Q. When you say "we", you mean— A. I mean the school staff and our staff would work at that, but they indicated they did not wish to participate in that kind of a conference, so then we had to develop conferences or work out our own plans and then bring them back subsequently, and so we had set that up for Friday so then we had to postpone it until the following Tuesday.

Q. All right. In your contact with the school officials have they suggested any specific modifications or adjustments to the proposal that you have submitted to them? A. No, sir. There have been no suggestions for modification of [114] anything that we have—

Mr. Philips: Those will be submitted to the court, Walter, as you well know.

Q. Now, with respect to transporting students as part of a desegregation program, do you feel as an educator or do you believe as an educator that it is educationally sound to use transportation to achieve a desegregated learning situation? A. Could I make a little lengthy statement on that?

Q. Sure. A. We have talked a good bit in education about what we call compensatory education for those who are in need of special help and we have set up, many of us have set up a number of plans. Some of them have been quite costly to do this job of compensatory education. Now, my opinion is, and this is only an opinion, that the most satisfactory compensatory program for our ghetto blacks

would be to be placed in a school with white children, and that money expended to do that would be more rewarding than hiring extra teachers or giving extra materials or what-have-you, and so I would, I guess I would answer your question that, yes, I think it would be a valuable educational experience, particularly for the young negro pupils at this time, to be placed in schools with white pupils.

Q. All right. Even if this would mean transporting them? [115] A. Yes, even if this meant transporting them.

Q. Now, with respect to the attendance lines that were proposed in the plan which was developed by you and your staff, Mr. Philips referred to artificial arrangements of attendance zones and mentioned gerrymandering. A. We call it, we use the term "non-contiguous".

Q. And Mr. Philips I think mentioned gerrymandering zones and gerrymandering has lost its original definition and has a lot of other connotations, and I would just like to go into that a little bit. Now, when you said that you redrew the lines to encourage desegregation or to permit further desegregation, was this done merely as an alteration or an adjustment of the lines keeping still within sound educational principles when the alterations were made, or did you disregard educational principles when you formulated the attendance zone lines to further desegregate? A. What we did we thought would give the best educational program for the young people who were involved. In most cases it was adjustment of lines but there were a few what we call non-contiguous areas that were a group of pupils who would go out to different schools to provide a desegregated situation in those schools.

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Q. Now, with respect to your testimony concerning possible future [116] adjustments that would be necessary or might be necessary in the attendance zone lines, you indicated that there are changes I guess daily in the location of students and from year to year. Now, what data did you have when you were locating students? Was that data based on last year's enrollments and the location of students the last school year? A. We had that data plus a pupil locater maps, but we actually, in the plan which had been presented to us by the school staff for the desegregation of the schools in the metropolitan area, they had the grade levels for each school and the attendance and the anticipated attendance figures. They indicated there was some small error in translating that, but we used that basically and then we used about two or three techniques in trying to determine the actual membership. For example, if they had a school with grades one through six in it and it had six hundred pupils and we were proposing to just take the sixth grade out, we used the rough figure of five hundred pupils that would be in that school. Now, that won't always hold but it's a close enough figure where you won't be off much in your calculations, and then we tried to balance our figures against the figures that we had from the school system.

Q. And these are the types of adjustments that might be necessary [117] after the start of school or once it's known definitely how many students there are in each grade where the grade structure has been changed, is that correct? A. That's right.

Q. Now, with respect to— A. And we would also—in some instances we necessarily in the time we had, we had

to short-circuit. For example, if you had grades ten, eleven and twelve and the pupil locater maps that they had were for, that they had with which they had provided us, were, each map had a separate grade on it, and so we would count one grade off the map and then multiply it by three or whatever number of grades. Rather than count every map, try to count all the pupils that are on every map, and that will, of course, lead to some error but not a significant error.

Q. Now, with respect to the change that was made by you and your staff in the proposals that were submitted by the School Board in the rural schools and particularly the change in the Burroughs School, now you testified, I believe, when asked by Mr. Philips, that the reason for this change was in order to eliminate an all-negro school. Was the change that was, that you proposed also an educationally sound one? A. Yes, it was educationally sound. As a matter of fact, it was [118] more in line with what they, with the general plan, a pattern for the school system, which is a five-three-four basic structure, and this proposed a three grade school at Burroughs which would have fitted right in with their long-range plan.

Q. Now, with respect to the faculty provisions that are in the plan, you mentioned that these were included; however, the wording you felt should be "should" rather than "shall". A. For our report, yes.

Q. Now, is the reason for that, you mentioned—

Mr. Philips: I think you are going to lead him a little too much there, Walter.

Mr. Gorman: This is cross-examination.

Mr. Philips: I realize that but this is not an adverse witness.

Mr. Gorman: It is cross-examination.

Mr. Philips: I realize that. Let him state his reason without suggesting the reason.

Q. Let me finish my question. In answering Mr. Philips' question you said that you did not want to make it an order, that's why you would rather use "should" than "shall". Do you feel or do you believe as an educator that the type of faculty assignments recommended by your report or proposal are educationally sound and should be implemented? A. Yes, and this is a very small thing. I shouldn't have brought [119] it up but to—I think what I meant, we were making a report to somebody and my preference for a way of wording it would be "it is suggested that the Board adopt the following policy" and then read the words, or if you are just going to write the policy, then start it "the Board should adopt the policy" which would say thus and so.

Q. So it wouldn't appear to be a direct order from you and your staff? A. That's right. We are not issuing orders. We are just giving a report. That was kind of a minor thing.

Q. With respect to the proposal as a whole, have you and your staff proposed any attendance zone lines or grade structures or assignments that you believe are not educationally sound? A. Let me say no and then amplify that. If I were organizing a school system, we have two schools set up that I would try to work out some other plan for, and that was a school called Hillsdale and a school—it's an

all eighth grade school and we have another one up in the north—

Q. Clark? A. Clark? Well, anyhow, there were two just plain eight grade schools and I would try as time went on to work away from just a one-grade school. I think you can carry on an effective educational program in the light of other values that are in [120] the report that it would be sound educationally, but in the long-run I think I would work to get out of that one-grade school.

Q. But these are sound under the present circumstances? A. Yes.

Q. Now, you have mentioned some of the criteria that were used in formulating attendance zone lines and you mentioned capacity of schools and location of students. Did you also consider hazards such as highways and rivers and streams? A. To the best of our ability, yes. We recognized that while we had before us constantly while we were working a map which showed where the flow of traffic and the main arteries and where the problems of getting from one place to another existed, and so we did take that into consideration, yes.

Mr. Gorman: I have nothing further at this time.

*On Cross Examination by Mr. Crawford:*

Q. I have very few questions which could be answered yes or no. Dr. Hall, in your proposed plan did you take into consideration the School Board's prior plans, present plan, information and data received from the School Board as well as from other sources in developing the present proposal? A. Yes.

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[121] Q. Now, why is it so difficult to leave five black schools all black? A. Well, that would have gotten us into the problem of cross-bussing which I said we did not propose, but those facilities had to be used, and in order to make room for white pupils at these facilities, you would have had first to haul the blacks, transport the blacks out somewhere and then transport whites back to these schools, and at this point in our educational philosophy we have not been willing to go to the cross-bussing idea.

Q. Well now, are you aware of the fact that within the last five years the School Board transported black students fifty-two miles passing white schools in order to reach a black school fifty-two miles away? A. Yes, sir, I was aware of that.

Q. Would you consider that a good policy of the School Board and good educational bussing? A. Well, let me make this comment on that, if I may. At the time that program was started, it was required by law and had the support both of law and of the communities—

Q. Which communities? A. Well, the black and the white communities.

Q. And where did you get the information that it had the support [122] of the black community? A. Well, that is—I don't know that it had the support. It didn't have the objections. I am talking about—now I am talking about prior to '54 when the whole thing started.

Q. No, I am speaking of within the last five years. A. Well, within the last five years I assume that it did not have the support of the black community and so I am not, I didn't want to get involved in that. I was trying to trace

your history. Now, at the present time the bussing of pupils in the opposite direction does not have the support of law, even in the Civil Rights Act, and in, I don't know about this particular community but in many communities where I have worked it doesn't have the support of the citizens in the community. I mean either the—

Q. Which citizens are you speaking about? A. I mean either the white or the black. I am talking about this cross-bussing, to bus out and bus back. Now, as I said, I'm not, I don't know about Mobile whether it would have the support of the blacks or whether it would have the support of the blacks or not, and it doesn't have the, the cross-bussing doesn't have the financial support or the legal support or the community support unless something in this case decides that it does have the legal support. That was one [123] of the points I said in my earlier testimony that had not been fully clarified about all this business.

Q. Well then, are you aware of the fact that the court in the June 3rd order ordered you to desegregate all of the facilities and then you omitted five schools? A. I am aware of what that court order said, yes.

Q. And you deliberately failed to desegregate five predominantly or all-black schools? A. We could see no way to do it within what we used, the rule of reason.

Q. So then on all other schools that you have desegregated with a great majority—that is, in terms of racial—you did it with all educational, sound educational reasoning then, is that correct? A. That was the position that we took, yes.

Q. All right. Now, are you taking the position that you and your staff had sufficient time to develop a desegrega-

tion plan—that is, the basic concept of such, that you have had sufficient time to do that? A. Yes, we had sufficient time to develop the concepts. We said it would take more time to work it out.

Q. Now, in doing that, this proposal, would it have been necessary for you to have been in Mobile twenty years to do that? [124] A. No, sir.

Q. Five years? A. No.

Q. So you didn't have to be an old Mobilian and working in the School Board office in order to do the job that you and your staff did, is that right? A. That's right.

Q. Now, did you diligently attempt to follow the Fifth Circuit Court's order of June 3rd in developing the plan? A. Yes, we diligently followed it to the extreme limits of reason.

Q. Now, in Chapter Five you made some suggestions for plan implementations. Did you find in the past that any of the suggestions for plan implementation had been used by the School Board as a matter of policy for the past five years or six or seven years? A. I am not clear on what you are talking about.

Q. Well, when you discussed this with Mr. McPherson or any member of the administrative staff of the School Board, did you learn that as a result of each decree for the past five years or six years that they attempted to fully inform the citizens and the community about the legal requirements of school desegregation and their plans to comply with the legal [125] requirements?

Mr. Philips: I hardly think he is in a position to interpret this.

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Mr. Crawford: Well, I am asking did he discuss it with McPherson.

Mr. Philips: That is not the question you asked.

A. I gained the impression—now, see if this comes anywhere near answering your question. I gained the impression that the school officials, Mr. McPherson and the others with whom I have talked, were not opposed to desegregation, that they, but that they felt that what they were proposing met the requirement of making no distinction in race.

Q. Well, did it? A. Well, according to our interpretation of what the court was saying it did not but they interpreted that it did so I guess that is the point that is up for argument.

Q. I call your attention to page twenty-one of the report and the following pages there where you have listed amongst other things the ratio of white students and black students in certain schools which were predominantly either black or white schools. Would you interpret those statistics as saying that they made no good faith effort in trying to desegregate the Mobile County school system? A. No, sir. It would depend on this business of this definition [126] that he was trying to get me to give. One definition, and I don't want to put words in the School System's mouth, all I can tell you is my impression of the definition they felt was being used, was that boundaries for a school would be drawn and no distinction would be made in the pupils in attendance at that school because of race, and if it happened that all of them turned out to be white or all of them turned out to be black, that was just a happenstance and not deliberately planned to avoid desegregation.

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Q. But that was a fact, though, wasn't it? A. Now, I gather that impression and I certainly don't want, I may be way out of line in trying to get that impression. Now, the thing that we had, though, the impression of the definition was, as we interpreted what the court said, it had to be more aggressive than that and a more positive thing and just drawing lines was not enough but that the schools actually had to be integrated or desegregated, and I guess that is the essential difference in the interpretation. I know I was asked if the school system, if the people in the school system couldn't draw as good a plan as we could or a better plan, and I said they certainly ought to be able to but it all depends on what the definition is, and the definition of desegregation, where you make no distinction because of race, doesn't seem in this [127] case to be sufficient for the court, that it must be, that race must be a factor and that desegregation must result. Now, I guess that is the basic difference in the whole argument.

Q. Well now, your position is now that it is very clear to you and you have interpreted that the orders of the June 3rd order of the Fifth Circuit that says that they must desegregate all facilities, that the plan that you have proposed so follows that order, is that correct? A. It follows our interpretation of that order and does everything that could be done within what we call legitimate responsible reasoning. It still left those five all-black schools and we could not figure out a way to do that without getting into the problem of cross-bussing and we didn't have a legal decision yet on busses.

Q. Well, didn't you say previously that in order to help the black students and in order to achieve full educational

opportunities for both black and white, that the schools should not be all black or all white? A. Yes, sir. I said educationally that is sound, yes.

Q. Then on what criteria or what basis are you leaving five black schools other than the bussing? A. That's right. We didn't have anywhere to put them.

[128] Q. Well then, couldn't you do it by bussing? A. You could do it by cross-bussing.

Q. Is there anything in the court decree that says you cannot bus or cross-bus? A. No, sir.

Q. Well then, you have not really complied with the court's decree then? A. Well, I guess the court will probably tell us if we haven't.

Q. Well, I mean in your opinion, based on your definition or understanding of what the court said, and you left five black schools unsegregated? A. We tried and we could not figure out any way and we spent hours and hours trying to figure it out.

Q. Then the students in those five black schools will forever and continue to suffer from good educational opportunities? A. No. We made this general statement, that any new construction should be, not be in the areas in the black residential areas, but as buildings were replaced, that they ought to be out where they would be mixed. Now, that is a long-range part of it but it—

Q. Well, what about those students in school now that will soon be out of school and in the community, they will then continue to suffer as those in the past for the lack of better educational [129] opportunities then? A. That's right, and the only recommendation, the only part I can say at all to justify that is—

Q. Well, isn't it a fact—

Mr. Gorman: Let him finish his answer.

A. Is that the school system ought to make a strong effort there for other aspects of compensatory education, which I said I didn't think were as effective as the integration.

Q. When you say compensatory, you mean give those pupils some money or what do you mean? A. I mean give them power, give them more teachers, more books, more help of every kind that you can in a situation of this kind, and they would, I think they would be fully justified in spending more money in those schools, and again you run into this problem of treating all people equally but I think I can make a just case in justifying additional expenditure of funds and materials in those five schools.

Q. Dr. Hall, isn't it an educational principle or concept that you educate fully the child, the whole child? A. Yes.

Q. That has been a principle for how long? A. Well—

Q. By educators? [130] A. As long as I have been in education.

Q. And how many students are over there at those five schools? A. I don't know the exact numbers. I would guess about four or five thousand but I don't know the exact numbers.

Q. So those four or five thousand black students will go lacking of development of the full child while waiting on the School Board to make up its mind about building another school, is that right? A. Well, that's—the only plan we had for that was compensatory education of a different type and it would not involve the integration situation.

Q. Now, have you discussed with Mr. McPherson or any member of the School Board, member of the Board or ad-

ministrative staff, about the implementation of your suggestions which is found in the back of that proposal? A. No, other than to give them a copy of the report and to indicate the time schedule.

Q. And are you aware of the fact that as a result of news releases that just the opposite is taking place? A. I am—to this morning. I read this morning's paper but I haven't seen any other papers about this thing. I don't know what is happening.

Q. Then based upon what you read in this morning's paper about [131] the School Board's policies and issues and statements made, have you read enough to form an opinion that the School Board does not have or does not intend to follow any good faith orders or implementation of school segregation or desegregation? A. The things I read in the paper, there was an editorial and some comments by a Congressman. I didn't see anything about, I haven't read anything about the School Board itself. I had the feeling in both the Congressman's statement and the editorial that the Congressman seemed to be talking about the Civil Rights Act and not to distinguish between that and the court. He was talking about civil rights and the H.E.W. and all that sort of business, and this is something different and I thought the paper in its editorial should have picked up the difference, but this suit is not based on, as I understand it, based on the Civil Rights Act but it is based on the Constitution and court principles.

Q. Have you found anything in the School Board's file or a discussion verbally what Mr. McPherson or Superintendent Burns or any member of the School Board that reflects that they have been responsible to the community

in the implementation of any of the School Board's plans within the last five years?

Mr. Philips: I am going to object to that because the question [132] implies that he has examined the School Board's file and there is no testimony that he has examined any such file. You refer to a file. There is no implication in the question as to what file and no implication that it implies that he examines files. I think he has testified that he hasn't. It implies that he has talked with School Board members and I think he testified that he hasn't, and it implies that he has talked with Dr. Burns and he has not testified that he has. I don't know whether he has or not.

Mr. Crawford: Well, I am asking him.

A. I have talked with Dr. Burns and I have talked with Mr. McPherson and both of them made similar statements to me, that they were not opposed to desegregation or integration, that they were moving ahead in a way that they seemed to be quite proud of, and that they were not objecting, that they had followed, they were saying they had followed the court orders they had received to the letter. They did express some little feeling that the court orders coming at times when they did had caused quite an additional expenditure of funds, that if the court orders had come earlier or later, that they would not have had that, that they could have handled them without the additional expense involved.

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Q. Now, back to the five schools that are left all black, when [133] in your opinion can the School Board effectively bring about desegregation of those schools in terms of months or years? A. I don't, I am not in a position to give a time statement on it. We did suggest that no buildings be replaced. Now, what the, just for a period of time, just the economics of the thing, of building additional schools, unless there are funds forthcoming from a source that is not now available, it would be a considerable period of time, and that is the reason I suggested that they go all out with a compensatory educational program in those schools.

Q. Well now, do you stand to be— A. I would—

Q. Excuse me. You would what? A. I would stamp them in accordance, the schools in accordance with the proposals made for faculty desegregation and I would put additional staff in those schools through my Elementary-Secondary Education Act funds and through other programs, and then I would try to scrape up some additional funds from somewhere to make those schools show places and not only, I mean I don't mean that in terms of a place to show but I mean a place where real education is going on. I mean it is possible, you see, in an all-black situation to produce with compensatory education, and I have had some experience on [134] this because I have tried it—if you put the power in there to get at least the aspect of the school program with which so many people are concerned, that is your subject matter content in those programs. I tried to put them in an all-black elementary school. I put just a lot of extra power in there, more than you could ever afford to do on a mass basis, but in a mathematics

program with fifth grade students in an all-black school, and they did become the best mathematics pupils in the county and they retained that right on through school but it took one heck of a lot of—well, I'll not say money. Actually it wasn't money. It was materials and additional teachers to do it, but that compensatory thing will work in that respect.

Q. Well, is it your experience that if the black students in similar situations as the five schools we have discussed are given an opportunity, that they could within a short period of time or within a reasonable period of time achieve the level of the white students in the other schools which were formerly all-white schools? A. Yes. I guess I would say yes.

Q. Well, what you are saying then, is it correct in saying that basically those black students are not necessarily retarded or slow learners—that is, because of the conditions or the [135] facilities upon which they had to attend school that make them, that would be as stated previously by you, I believe, a little behind the white students? A. Yes. I think there are a whole series of factors including your home life, your educational level of your pupils, and the aspirations in the community that have been brought over a period of years and the opportunities that were open, a whole variety of things that are factors in that, but I don't believe it's any, that the average under-achievement, of which everyone is aware, of the negro pupils is an inherent characteristic. I think they have the ability and all kinds of things need to be done to pull it out.

Q. Now, to the administrative staff, in your report you listed at the personnel office at administration that you

found as of December 17th, 1966, they had seventy-seven white persons in the administrative staff and thirteen negro persons in the administrative staff. Do you feel on the basis of those figures alone that it is shown a lack of concern about the black schools? A. No, sir, not on the basis of that. I have felt that school systems or school officials have problems, that in dealing with both the white communities and the black communities, and that the black community is apt to look with skepticism [136] even though everything may be all right, but unless there are some black people present, and I know of nothing in any laws or decrees or anything that have been said that you have to employ black people, but as purely a public relations matter I think school systems would be wise to have, to seek out and find some black people for their top staff just from the public relations angle even though they may not do any different from what had been previously done.

Q. Well, based upon the figures quoted as found on tables two-eight as it relates to the administration, do you feel that or is it your opinion, professional opinion, that if the School Board had wanted to deal more fairly with the predominantly black schools in light of the black supervisors would have more knowledge of what is required in black schools or what is lacking in black schools, that it should have had black supervisors and other black persons on the administrative staff to deal more effectively with the predominantly black schools or all-black schools? A. Well, you get into that definition again of making no distinction because of race, and so I ran into this problem in my own school system, that they said make no distinction because of race. Then you would start looking for people to fill

various positions, and most of the employment agencies around [137] the country and most of the people where you would get recommendations from if you sent outside the school system would send you white people. I mean, you know, so—

Q. All right. Now—

Mr. Philips: Let him finish his answer.

A. Let me just finish that.

Mr. Crawford: But that is irrelevant and immaterial to the question.

Mr. Philips: You asked Dr. Hall the question and he is responding to the question. Let him finish his answer.

A. I think it will be before I get through, so I think there's a period of time when the school systems would be wise to say fill positions with qualified people and with a certain number of them, fill them with black people, and then after you have gone beyond that time, I don't know what the time is, say four or five years, but, all right, you've gone beyond that time, then you can become color blind in your selection of employees, but just as a matter of course, suppose one of those positions came open right now, the chances are that no black people would apply to fill it and the chances are also that if they sent applications all over the United States, that they would come back and the great majority of anybody who responded to it, was interested in the position, would [138] be, they would be white people

so they have a very difficult time, recognize that, of getting them and I have advised boards, not as a matter of law but as a matter of public relations, that they ought deliberately to set a policy that would enable them to seek highly qualified, capable negro people for some of these top positions, but if you start out and say we're color blind and we're going to take them, well, then you come back with the same color you've got.

Q. Well then, how can you distinguish that statement in light of the fact that you have as on table three, seventy-seven white and thirteen negroes and when you have almost one-third or better negro school pupils? A. Well, I would say that—now, I don't have any basis for a judgment. I would just say, though, that—well, I have no basis for saying anything about Mobile one way or the other on that particular point.

Q. Well, I mean if you just looked at the statistics alone. A. But just as a matter of general principle, you could say —I'll put it that why—that if they sought the most qualified people and were color blind, then these were the people that they came up with, but you could also say that they had discriminated against blacks. Now, just—you could make either kind of judgment from it, but I was saying that from the ex- [139] perience that I have had, if you go seeking—you see, if you use this definition that you will be color blind in your selection, then with the structure that you have, the chances are that you will come up with a white person. You will have a lot more to choose from, and as a guideline I think Boards would be wise, I don't know of any laws that require it, but they would be wise to set a

certain percentage of blacks and fill the positions with well qualified black people.

Q. Then you are suggesting that the Board do that? A. Well, I don't know anything about that point, but if they asked me, I would suggest it but they probably won't ask me. I have told other Boards that, yes. I have told other Boards, I have written a stronger statement than that. I have told other Boards in some of the reports that I have written that the number of, that the personnel in the positions of principals and positions of, top staff positions should approximate about the same ratio as the pupil population in the schools.

Q. Did you so recommend that to the Mobile County Public School System? A. Well, that isn't in this report here.

Q. I know that but I am saying would you so recommend that?

Mr. Philips: I think the report reflects his recommendations.

A. Well, if somebody asked me to, I would, yes, but I don't think [140] it's—I'll be frank with you, I don't think it's required by law.

Q. Well, I didn't say that. I asked you would you recommend that? A. Yes. I recommended it to my own Board. Now, I couldn't get them to approve it but I recommended it anyway.

Q. Well then, can you account for the difference in the specialized courses that are offered at all-white schools and are not offered at—at all predominantly white schools, white schools where you have two negroes in a student body

of three hundred, and the lack of such in the predominantly or all-black schools, where these specialized courses are offered in one as opposed to the other consistently? A. Yes, I can account for that in a number of ways.

Q. How can you account for that? A. The basic or required courses, as I understood it—

Q. I said specialized courses. A. I know, I am going to get to that. Are required of all schools. Now, the specialized courses are up to the individual school. For example, if the principal and the faculty and the students want a course in say creative writing, they can have it.

Q. Well, Doctor, are you speaking of what is done in Mobile County or what is done generally from your experience? [141] A. No, I am talking about in Mobile County.

Q. I see. A. And so—at least this is my understanding now, but if the—

Q. Is that documented or is this just what was told you?

Mr. Philips: Wait a minute. Let him finish his statement.

A. Yeah, it's in that section on the course of study, I think, the policies under which they operate, so that the initiative for the additional specialized courses comes from the school as they want these special courses, so either those all-black schools did not feel the need for these courses and did not have enough pupils who were interested or they did not pursue the, aggressively pursue it, but there would be no, there is no County controlling policy that would prevent them from having it. They could have the course—they could have the course if they wanted it. We suggested in

there that the County probably ought to take a little more aggressive action to see that they did give consideration to some of these specialized courses in these schools because it may be that the leadership that they now have is not pushing it hard enough.

Mr. Crawford: I believe that is about all.

A. But, you see, in most school systems, if you have got a qualified teacher and you've got thirty kids, you can offer any course you want to, but if you've only got five kids that [142] want a course, you can't afford to offer it because that, you've got to have that teacher load going along there and that teacher has got to handle a hundred and fifty or a hundred and sixty pupils a day. Now, if some teacher wants to teach an extra period or something and handle a group of five or six, but there has to be the interest in the course. Now, some schools and some teachers, some department heads, are responsible for stimulating interest in these courses and these specialized courses, and so you could attribute it then to a more aggressive action on the part of the teachers and the principal and the school in the specialized courses, and I'm not even saying it's better for them to take creative writing than it is straight old English or some other course, but that is the way the specialized courses get in.

Q. Then are you saying that in Mobile County public schools the principals and faculty of just the high schools of Williamson, Dunbar, Central, Blount, and Mobile County Training School, did not request these specialized courses is why they didn't get them as it is opposed to Vigor,

Murphy and Davidson? A. I could not answer that question specifically. I could say from what I understand the way the policy operates they could have had the courses if they wanted them and had enough students to have them, and maybe they don't want them. Maybe [143] they made a judgment on them and sometimes some of these schools will come up with some of these specialized courses and they aren't worth a hoot.

Mr. Crawford: Now, I am speaking principally and my question relates to the proposals in tables four-two, four-two-a, four-two-b on through four-two-g, which I would like to—

A. Well, what I am saying, my understanding—

Mr. Crawford: Let me finish, please.

A. Yes, I'm sorry.

Mr. Crawford: Which I would like to introduce into the records in support of your answers to my questions.

Mr. Philips: The report is already in the court, Mr. Crawford, the full report.

Mr. Crawford: Well, rather then encumber this record, then give specific reference to those tables, and the court reporter will so note that, and also the one on pupil administrative staff, I think I made reference to that. I have no further questions.

*Deposition of Dr. Joe Hall on July 15, 1969*

*Redirect Examination by Mr. Philips:*

Q. Dr. Hall, with reference to compensatory education, just to clear up something in my own mind, you said for those who are in need of help or for those who need this compensatory [144] education, the most satisfactory way to your mind to do it is to place negro students in schools with white students, and you said in this instance with the number of students you found the best way to do that was by bussing of the negro students, taking them from the area where they lived to get them to this white school was the best way to accomplish this compensatory education. I mean is that an accurate statement of what you said? A. Yes, that is an accurate statement, but when we went into the other five, there wasn't any room.

Q. All right. Now, let me ask you this: How do you determine what school, what student is in need of compensatory education? How did you determine it in this instance? Did you review the record of each student and say we'll bus this one and not bus that one, this one needs compensatory education and we'll bus him but the other one doesn't so we won't bus him? A. No, sir. We just took it by areas.

Q. You just made the broad assumption then that everybody, every student in this area needed compensatory education? A. Yes.

Q. Whether he was an F student or an A-plus student or whatever? A. Well, I—

[145] Q. In this context? A. In the, as we are talking about this thing, you see, these other five schools, I think we, I agreed with the question there that they were going to be deprived and I saw no way of resolving it, but because you can't help everybody, there is no reason why you shouldn't help somebody.

*Deposition of Dr. Joe Hall on July 15, 1969*

Q. No, I am talking about these in the schools where you have given them the compensatory education, these that you are bussing out, that you recommend the closing of the school and bussing out. You just arbitrarily assumed that every student in that school is in need of compensatory education? A. Well, I wasn't quite, I think I made a more fundamental statement than that earlier, that in the total, the development of the total child, reference was made here, in our society today, I thought it was better both for white and the black pupils to have experiences in school of being associated with each other. Now, this is not necessarily, that doesn't necessarily involve compensatory in the usual sense of the word. You think of compensatory, if a person is two years behind in reading, to help him catch up, but this would, being put in that situation would help him catch up.

Q. Well, what do you mean "compensatory"? Do you mean compensatory and then you mean simply— [146] A. By compensatory I mean a lower reading level, a lower arithmetic level or what-have-you, that's right.

Q. Well then, every one of these students that you recommend the bussing for, you have assumed or taken the premise that they need this compensatory education? A. I would assume that all of the students needed it and these are the only ones that we can handle.

Q. Okay. You referred to a situation in your own school system where you had taken a group of students and concentrated them, put the power to them, I believe you phrased it. You could do this with most any group of students, couldn't you? A. Yes, I think so.

Q. If you had the facilities and the funds and simply concentrated the effort on making a super-student, you could

do this with any student within reasonable bounds? A. Yes, I think you could.

Q. You mentioned adjustments being necessary in the lines of the attendance areas as they have been submitted to the court. Do you have in mind the possibility of adjustments being necessary in connection with the operations of the school system this coming year or did you have reference to adjustments the year after? A. For this coming year I would say no particular necessity for [147] adjustments in boundary lines.

Q. You think they are adequate and satisfactory just as they are? A. That would be my opinion, but if in exploring it they found out it was off somewhere, then everybody would be foolish not to change it, as long as you haven't got—all factors being equal. In other words, if we made an error and have got two hundred too many pupils in one school and two hundred too few in another, and you could move the boundary line over, well, it would be foolish not to do it, and I want to say that we are not above making errors. Good gracious.

Q. Were these attendance area lines, just as a basic principle, drawn on a non-racial basis or on a racial basis? A. Well, it depends on what your definition is. They were drawn to get desegregation so I would say you would have to say the element of race was in there.

Q. They were drawn on a racial basis as opposed to a non-racial basis? A. Yes, depending on what your definition is all along the line.

Q. All right. Now, did you or anybody working under your direction make any effort to trace out the locations of these lines where you had drawn out, trace out—I mean by

going out and observing them physically, where the lines you put on the map would lie in reality? [148] A. In some of them we did. In most of them we tried to follow as closely as we could lines which the school system is already using.

Q. Which ones did you trace out, do you have any— A. Oh, I wouldn't remember. Take the Murphy-Williamson, the line between Murphy and Williamson that we drew. We drew it, I think, on the same line that they are now using for ninth graders.

Q. Well, I am not talking about those in which you used the same line position but I am talking about whether or not you actually went out and traced out in the street, went out and followed where your lines would lie? A. No. No, we used the maps for that and then—we drove around a lot but not specifically to trace out a line.

Q. So as far as you know then, some of these lines you have may go through the middle of shopping centers and things of this nature. You have no way of knowing whether they do or do not? A. Well, they might—no, I have no way of knowing whether they do or not except we generally followed a pattern that had been previously developed by the School Board.

Q. But when you deviated from that, then you were out in an area where you had no knowledge of just where that line would lie, is that correct? [149] A. That's correct.

Q. With relationship to shopping centers, commercial areas, heavy traffic arteries or natural barriers or hazards? A. Well, we tried to avoid all natural barriers, at least as far as we could find them on our maps.

Q. Those which you observed on the maps? A. Yes.

*Deposition of Dr. Joe Hall on July 15, 1969*

Q. Were your lines drawn with any regard to the existence of commercial transportation lines, bus lines? I am not talking about what might exist but— A. No, other than —well, the junior and senior highs basically followed the same pattern that you now have, you see, that you already have. Now, the elementary schools where we varied them, we did not.

Q. Do you have any knowledge of the bus routes, commercial city bus lines in Mobile? A. No, sir.

Q. Did you make any inquiry into that? A. No, sir.

Q. Do you have any knowledge of the flow of traffic insofar as residential to commercial? A. Yes.

Q. Where did you acquire that information? [150] A. We acquired it from studying the maps and just talking with different people around here and going around and looking where the—

Q. Who did you talk with? A. Well, we talked with some of the people from the University of South Alabama and asked them where the, how the traffic flowed and the way you could get from here to there, and where we had a real question about it, where it deviated from the plan that they were now using, we would check that.

Q. How many did you check? A. Oh, I don't know. I couldn't answer that.

Q. Was it a hundred? A. No, I am sure it wasn't a hundred.

Q. Ten? A. Maybe about ten. That would be nearer than a hundred.

Mr. Philips: I have no further questions.

*Deposition of Dr. Joe Hall on July 15, 1969*

*Recross Examination by Mr. Gorman:*

Q. I just have one area briefly here. Now, your testimony with respect to compensatory education and with respect to drawing the lines and the educational considerations in drawing them and obtaining an integrated education is a little bit confused in my mind. Is it accurate to say that as an edu- [151] cator you believe that a higher quality of education or educational opportunity can be obtained where an integrated educational set up or situation is involved rather than all one race? A. Yes.

Q. Now, so in drawing the lines then you had two considerations. You had the consideration of placing as many children in the optimum educational environment to study, is that correct? A. Right.

Q. And in addition to that and as a separate thing in my mind—and now tell me if this is what you as an educator believe—this will create a situation where those who are in need of a compensatory educational situation will obtain it, say by placing students who were previously in all-black schools who are behind the white students in an integrated education, is that correct, so that you have a compensatory factor in addition to just placing children in an optimum educational environment? A. Yes. Could I illustrate what I am talking about?

Q. Well, let me pursue this just a little further. A. All right.

Q. I just wanted to get the distinction clear that in drawing these lines you did not assume that every black student in [152] a previously black school needed a compensatory situation? A. No, I didn't say that, I don't think.

*Deposition of Dr. Joe Hall on July 15, 1969*

Q. But that if any of those who were now placed in white schools or integrated schools were behind, it would have a compensatory factor as well? A. Yes.

Mr. Gorman: Okay. Thank you. That's all. Now, if you want to comment further on that, go ahead.

A. Well, I don't know as it's necessary. I was going to talk about expense.

Mr. Crawford: Let's go ahead.
Mr. Philips: All right. That will be all.

**Deposition of Jesse J. Jordan on July 16, 1969**

IN THE

UNITED STATES DISTRICT COURT

FOR THE SOUTHERN DISTRICT OF ALABAMA

SOUTHERN DIVISION

Civil Action No. 3003-63

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BIRDIE MAE DAVIS, *et al.*,

*Plaintiffs,*

and

UNITED STATES OF AMERICA, by Ramsey Clark, Attorney General, etc.,

*Plaintiff-Intervenor,*

—v.—

BOARD OF SCHOOL COMMISSIONERS OF MOBILE COUNTY, *et al.*,

*Defendants,*

and

J. TWILA FRAZIER, *et al.*,

*Defendants-Intervenors.*

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APPEARANCES:

*For Plaintiffs—*

CRAWFORD & FIELDS

By: VERNON Z. CRAWFORD, Esq.

*Deposition of Jesse J. Jordan on July 16, 1969*

*For Plaintiff-Intervenor—*
WALTER GORMAN, Esq.

*For Defendants—*
PILLANS, REAMS, TAPPAN, WOOD & ROBERTS

By: ABRAM L. PHILIPS, JR., Esq.

ALSO PRESENT:

JAMES A. MCPHERSON, Associate Superintendent, Mobile County Public School System

BOBBY R. CLARDY, Board of School Commissioners of Mobile County

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[4] JESSE J. JORDAN, having been first duly and legally sworn, testified on his oath as follows:

*On Direct Examination by Mr. Philips:*

Q. State your full name, if you will, please? A. Jesse Joseph Jordan.

Q. And your address? A. My home address?

Q. Yes. A. 782 Pinehill Drive, Smyrna, Georgia.

Q. And your office address? A. Number 50 Seventh Street Northeast, Atlanta, Georgia.

Q. How old are you, Mr. Jordan? A. Forty-six in July.

Q. Are you married? A. Yes.

Q. Do you have children? A. One.

Q. How old is the child? A. Twenty-two.

Q. What is your employment, Mr. Jordan? What do you do? A. I am employed with the Department of Health.

Education and Welfare in the Office of Education in the Bureau of Elementary and Secondary in the Office of Title IV.

[5] Q. And what is the Office of Title IV? A. Title IV is the Technical Assistance Program funded under the Civil Rights Act of 1964.

Q. What does your primary work consist of? A. Lending assistance to school systems on problems incident to desegregation. It takes two forms. One is in the form of in-service training programs, institute programs. The other is in the form of developing, assisting school systems in developing desegregation plans.

Q. Mr. Jordan, have you talked with anybody prior to coming here today about the subject of this deposition? A. I have talked with Mr. Gorman.

Q. Who is Mr. Gorman? A. Mr. Gorman is the attorney for the Defense Department, the Justice Department, I beg your pardon.

Q. Is he regularly attached to your office as an attorney? A. No, sir.

Q. Does the Department of Health, Education and Welfare have its own attorneys? A. Yes, sir.

Q. Now, Mr. Jordan, your subpoena required you to be here at ten o'clock yesterday. A. Yes, sir.

[6] Q. And you were not here at that time. On whose direction did you not appear at that time? A. Mr. Gorman called me and asked me about whether I was going to be here or not. I was in town. I had responsibilities involving court cases in Mississippi that I needed to attend yesterday, and I asked him if it would be all right, if he could get it changed until today for my personal convenience in working with these other cases. He said that he did.

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. Did you contact anybody else about that other than the attorney for the United States Department of Justice? A. No, sir.

Q. When did you first discuss the subject of this deposition with Mr. Gorman? A. Yesterday by telephone about changing it until today and then last night.

Q. Have you discussed the deposition with the attorneys for any of the other parties? A. No, sir.

Q. Give us your background, if you will, Mr. Jordan, from an educational standpoint and a professional standpoint? A. I have a bachelor degree with a major in math and a minor in science and education from Auburn University with a master's degree in school administration from Auburn University. I [7] have been a teacher, principal, director of school transportation, director of Federal programs, director of maintenance and operation, and assistant superintendent.

Q. Have you ever been the superintendent of a school system? A. No, sir.

Q. Where were you assistant superintendent? A. Cobb County, Georgia.

Q. Cobb County. What is the major city in Cobb County? A. Marietta. However, this is not—Marietta is a city system within Cobb County.

Q. How large a system is Cobb County? A. Approximately forty thousand students.

Q. How long were you assistant superintendent? A. Assistant superintendent, I went with Mr. Paul Sprayberry who was superintendent in 1955 and I remained in the central office and I was there in various categories until 1967.

Q. Prior to that time what position did you have? A. I was a principal in the same school system.

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. High school principal or elementary school principal? A. Elementary school principal.

Q. And prior to that time? A. Prior to that time I was a teacher.

Q. In the same system? [8] A. No. I was in the Marietta city system which is in the same county but a separate school system.

Q. Okay. And since leaving the assistant superintendent's position, what has been your professional background? A. When I left Cobb County in 1967, the first thing I spent three months writing a Title IV, I beg your pardon, a Title III project covering twenty-three school systems. I contracted with the twenty-three school systems to write a Title III project covering all twenty-three. I spent three months doing that. At the completion of that time I went to work with the Office of Education. I went with the Office of Education in the SAFA program. That's federal funds for impacted areas. I was with SAFA for six months at the end of which time I transferred to the position I am in now.

Q. The Title III program, what is that? A. Title III is under public law 8910, the Elementary-Secondary Act. Title III is for integrated programs in education.

Q. What school systems were you writing the Title III program for? A. For the Seventh District of Georgia. It is the twenty-three school systems comprising the Seventh District of Georgia. That is the northwest corner of Georgia.

Q. Okay. Now, what is your position presently? [9] A. I am the, what is called the Senior Program Officer in the Title IV office of Atlanta, in the Atlanta division. That is region four, Federal region four.

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. When was your first contact with the Mobile, Alabama, Public School System? A. I can't recall the exact date.

Q. All right. Let me rephrase that. When was your first contact with the Mobile County Public School System with reference to an order of the Fifth Circuit Court of Appeals requiring the intervention of the Department of Health, Education and Welfare into the school system? A. I received a call from Dr. Anrig in Washington, who is my immediate superior, saying that the court order had been issued. We were very short of staff help because of the heavy work load. I contacted Dr. Joe Hall from the University of Miami to act as a consultant for us to direct the Mobile study. Dr. Hall came to Mobile and made the original contacts. I believe, I am not positive but I think that was somewhere around July 10th, I mean June 10th. Then a week later I joined Dr. Hall here.

Q. That was on June 17th? A. Approximately.

Q. Approximately? [10] A. I don't recall the exact date, and my first actual contact with the school officials was the next day in which I believe I met with Dr. Hall, Mr. McPherson and others.

Q. Prior to your call from Dr. Anrig in Washington, who you say is your immediate superior, what preparation had been made for dealing with the Mobile system? A. Prior to that call?

Q. Yes. A. I hadn't made any preparation. I didn't know about it prior to that call.

Q. Had you had any information at all concerning the Mobile school system prior to that? A. No, sir.

Q. What did Dr. Anrig instruct you to do? A. He in-

structed me to assign someone to make contact with the school system and start the work.

Q. What work? A. The work following the court order, the directions given in the court order.

Q. What were his exact words as near as you can remember? A. This has been a long time ago and we talk over the telephone nearly every day. He told me that there had been, as I recall, that there had been a court order issued requesting us and [11] the school system to develop a plan which would be submitted to the court and that we should follow through with the court order.

Q. Who interpreted the court order? A. Who interpreted the court order?

Q. Yes. You were to follow through on it. Who interpreted it? A. Well, we obtained a copy of the court order and read it and followed it to the best of our ability.

Q. Who was "we"? A. Dr. Hall and myself and the other consultants that we used.

Q. Who were they? A. Dr. Larry Weincoff from the University of South Carolina, and Dr. Michael Stolee from the University of Miami, and Dr. Woodward from the University of Alabama.

Q. These people were the ones called upon to interpret the decree? A. No. They were called on to assist in developing the plan.

Q. Who interpreted the decree? A. I don't know that anyone interpreted it in that sense. Dr. Hall and I read it and simply followed it to the best of our ability. No one interpreted it to us. We didn't go to an attorney or anything and ask anybody to interpret it to us. We are not lawyers and we didn't work with lawyers.

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Q. Someone had to interpret it to determine what it required. [12] This is what I had in mind. Who did that? A. Dr. Hall and myself did this.

Q. Okay. And on what basis did you interpret the decree? A. Well, as we understood the court order, we were to develop a plan of desegregation to present to the School Board for their study and suggested changes which would I believe the court order said affirmatively desegregate the schools.

Q. And what did you interpret that to mean? A. We interpreted that to mean that our plan should result in maximum desegregation consistent with educational principles.

Q. What was the—in your interpretation of the decree and your development of a procedure to follow the decree, what was your primary concern? A. Our primary concern was to achieve maximum desegregation consistent with administrative principles.

Q. And do you feel that the plan that has been developed and submitted to the court does that? A. Yes, sir. It is one plan that will do that, we think.

Q. Do you think it is totally consistent with good administrative procedure? A. Yes, sir, we think it is. In the viewpoint of the consultants we used, that we discussed it with, they thought it was.

Q. Do you think it is? [13] A. Yes, sir, I do.

Q. Do you think it is totally consistent with good educational principles? A. Yes, sir.

Q. Totally consistent with all good educational factors? A. Yes, sir.

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. It is not inconsistent in any way to good administrative procedure? A. Well, not to my knowledge, no.

Q. And not inconsistent in any way with good educational practice? A. No, sir, not that I know of.

Q. Who had the final authority, Dr. Jordan? Excuse me— A. Mr. Jordan.

Q. I'm sorry. If I lapse over and call you Dr. Jordan, please forgive me. I am not trying to be— A. It doesn't make me mad. It flatters me, but I don't want to be called something I'm not.

Q. I am not trying to be facetious with you and I am not trying to put you on. It's just that I have— A. Most of the people that work in this program are doctors.

Q. And I mean no disrespect by it. Who had the final authority with reference to the interpretation of the plan, I mean the interpretation of the court order in the development of the [14] plan? A. Before we submit any plan to a school system, we clear it personally with Dr. Anrig.

Q. Who had the final authority below Dr. Anrig? A. I assume that would be myself. I don't submit a plan until he gives his approval on it.

Q. And it's you who determines what, who ultimately determines what will be submitted to him? A. Yes, sir. I submit it to him. He studies it, suggests, makes suggested changes on it, sometimes changes it, and then we make those changes and submit it.

Q. Okay. All right. Now, other than Dr. Anrig and Dr. Stolee and Dr. Weincoff, you mentioned Dr. Hall and yourself. Who else worked on the development of the plan that you developed for the Mobile school system? A. On the plan itself?

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. Yes, sir. A. That's all.

Q. Was there anyone else you conferred with about the plan? A. Dr. Woodward did the financial study as part of the plan. Much of the demographic study was provided by the University of South Alabama.

Q. By demographic, if you will define that a little closer? [15] A. I believe that is Chapter One of the plan.

Q. That concerns the general background of the Mobile area? A. Statistics about the Mobile area, yes, sir.

Q. Did you give them any specific directions as to what they would develop in the demographic study? A. No, sir. I merely asked them to develop the demographic background for us.

Q. Do you have any knowledge of their source material? A. No, sir.

Q. Now, who developed the actual desegregation portion of the study, the actual arrangement of attendance areas and this aspect of it? A. You mean the actual zones?

Q. Yes. A. Well, I don't think any one person developed all of them. All of us were working in one room together. We had maps on the wall, the pupil locater maps on the wall. We took the zones that were given to us by the school system and everybody would suggest a change and discuss it and make other changes. I know that any one person of the group—it was a joint effort.

Q. Of who? A. Of Dr. Hall, Dr. Stolee, Dr. Weincoff and myself.

[16] Q. Who suggested the location of students by transporting them by bus in this system? A. You mean who made the original suggestion?

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. Yes. A. I don't recall. It just evolved in the discussion. I don't recall who brought it up first.

Q. Was it your interpretation that this was permissible under the decree or required under the decree? A. No, sir, I didn't know. My personal opinion was that the decree asked that each school be fully or effectively or affirmatively desegregated. To get those particular children in a better atmosphere and also to desegregate those schools, it appeared to us that transportation was the only way. I don't know whether this is legal or not. We suggested it and then put language into it to say that we didn't know. We were not attorneys. We didn't have the advice of attorneys. It was not available to us, and so we suggested that if it were legal, this was one way to do it, and if it were not legal, it would require other ways.

Q. Does the Department of Health, Education and Welfare have attorneys available to it? A. The Department has attorneys, yes, sir, but we do not have attorneys available to consult on this. My interpretation [17] of court orders has been with quite a number of them now, has been that the court order appears to me, and I am not a lawyer, but it appears to me that it tells us to work with the school system and it doesn't tell us to work with anybody else, and so I have not contacted attorneys in H.E.W. or plaintiff's attorneys or lawyers, period.

Q. Or attorneys for the school system? A. Well now, I have talked with attorneys for the school system in various cases because they would be with the school people and I interpreted that as being a part of the school, but other than talking with the attorneys of the various school boards, I haven't talked with them, with other attorneys.

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. All right. Did you talk with attorneys for the Mobile School Board? A. No, sir. My only contact was with Mr. McPherson, Dr. Burns and other members of the staff. I believe you did attend one meeting we had with Judge Martin.

Q. Judge Thomas. A. I'm sorry. I'm thinking about another court. Judge Thomas, that's correct. I have to be in Judge Martin's court tomorrow.

Q. Mr. Jordan, I want to get your personal opinion on some things as an educator or whatever you are. I would like to have your [18] personal professional opinion on several things. What is your personal professional opinion on the bussing of students in order to achieve a racial balance in the school system? A. In order to achieve racial balance?

Q. Yes. A. I don't think you should bus to achieve, merely to achieve racial balance. I think the school systems have bussed over the years to achieve better education and I think that the best compensatory education you can have, for instance, is bussing disadvantaged children into a more advantaged neighborhood for education. Dr. Morrill Weinberg, who has done some research on this, indicates that the children do far better when they are put in another environment.

Q. What is compensatory education? A. Well, compensatory education to me and to various educators would have various definitions of it, but to me it's education to bring students up to a higher level than presently exists.

Q. I see. And is that the definition of compensatory education as you spoke of compensatory education in your previous answer? A. In this sense, yes.

*Deposition of Jesse J. Jordan on July 16, 1969*

Q. In your previous answer you referred to compensatory education. A. Yes.

Q. And this is the definition of compensatory education as you [19] were using it in that answer? A. In that sense, yes, sir.

Q. Okay. How do you determine, in the Mobile plan how did you determine, Dr. Jordan, that all of these students were in need of compensatory education? A. Well, I don't know that they are in need of compensatory education. Our thinking was that they would probably achieve better in a different setting.

Q. But you had no knowledge of their achievements? A. No, sir. I did not study testing results or anything of this nature.

Q. You were just assuming that they needed compensatory education— A. I was basing that on the—

Q. And you were going to give it to them whether they needed it or not?

Mr. Gorman: Now, that is not what he testified to at all, Mr. Philips. I wish you would refrain from characterizing his testimony.

Q. What is your opinion, Mr. Jordan— A. I was going—

Q. Let me finish the question. What is your opinion as a professional educator of allowing students to attend school on the basis of their choice of school, free choice of school? [20] A. Free choice?

Q. Yes. A. Well, for many, many years, for more years before anyone ever discussed free choice, students were

assigned by attendance areas and depending on the grade structure of the school. If free choice resulted in the right, in effective desegregation and good education, free choice is probably workable. I know personally of no instance where presently freedom of choice is working.

Q. Working in what respect? A. In the respect that the legal requirements for desegregation are being met.

Q. Do you know any instance where free choice has failed to work under any educational criteria, where it has failed in giving other than maximum integration of school systems? A. Well, I believe that a desegregated education is far superior to a segregated education, and any system that results in all-white or all-black schools to my way of thinking would be inferior education to desegregated education.

Q. Mr. Jordan, you refer to totally desegregating the school system. What is a totally desegregated school system? Mr. Crawford is interested particularly. A. Well, to me personally, and this is to me personally, a deseg-
[21] regated school system is one in which it has lost its racial identifiability. That is where the general public does not identify it as an all-white or an all-black school.

Q. Now, I am talking about a school system. A. Well, when every school loses its recial identifiability, that would be a desegregated school system.

Q. When does every school lose its racial identifiability? A. When it is no longer identified as a white or a black school.

Q. Identified by who and how do they identify it? A. Well, I would suggest that if you asked if Emerson School was an all-white or an all-black school, everyone would identify it as an all-black school. If Emerson were deseg-

regated to the point where it was no longer recognized by the community as an all-white or an all-black school, then it would be effectively desegregated.

Q. Is there any particular point when a school is no longer all white or all black? A. You mean in terms of numbers?

Q. Yes. A. I don't think you could determine it on the basis of numbers.

Q. What do you determine it on? A. On the basis of its identifiability.

Q. All right. Based on that criteria, Mr. Jordan, how is the [22] school system, how can you determine when a school system has reached maximum desegregation? A. When it has lost its racial identifiability. I don't know any better way of saying it.

Q. Well, that is fairly general. We have got Bienville School, for example, that had at one time been a traditionally white school. I don't know whether you are familiar with it or not. This past year enrollment was roughly fifty-fifty negro and white, but it's still identified as an all-white school, identified as a white school traditionally. Is that a desegregated school or isn't it? A. Well, I haven't seen the school in session but I would assume that a school that is fifty-fifty, then the school body would be a desegregated school, yes, sir.

Q. Even though everybody still identifies it as a white school? A. I think that if the school remained desegregated for a period of time, it would be recognized by the community as a desegregated school.

Q. So you would recognize the fifty-fifty as a deseg-

regated school? A. Yes, sir, but I don't think the ratio determines whether it's desegregated or not.

Q. But you do recognize the fifty-fifty? A. Yes, sir.

[23] Q. All right. How about sixty-forty? A. I don't know. I don't think I could answer it on the basis of numbers. You can go fifty-fifty, sixty-forty and then get down to ninety-ten.

Q. How do you determine then—the only way you could determine then, as you say, is by racial identification of the schools. Now, did you make any survey in Mobile before you started your work among the people to determine their racial identification of every school in Mobile? A. No, sir.

Q. As far as you know, Mobile had a totally desegregated school system then, did it? A. Before we came to Mobile, I have no idea what Mobile had.

Q. All right. After you got to Mobile? A. Well, after I got to Mobile, I took the charts that we had, the information given us by the school system and their amounts and used them as a start.

Q. And did they have a result of a survey as to how people identified schools, is that— A. Not to my knowledge.

Q. What did they contain? A. What did what contain?

Q. In determining, these charts and maps and things that you looked [24] at, did they have public opinion surveys giving how people identified schools or did they simply state the statistics of enrollment? A. No, we identified schools that had no white enrollment at all as identifiable as black schools, all black schools.

Q. A school that had some white enrollment, is that identified as an all-black school? A. I don't—by numbers I can't, I don't know how many it would take.

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Q. This is what I am trying to find out from you. You say you identify schools as to whether they are desegregated or not on the basis of how the public identifies them, and you came into the system and you made no effort to determine how the public identified schools, you used figures. A. Yes, sir, that's correct.

Q. What did you consider was the primary directive of the decree, the court decree, Mr. Jordan? A. To fully and affirmatively desegregate the schools in the school system consistent with sound administration practices.

Q. Do you consider a transfer policy allowing transfers for good cause non-racial in character a good educational policy? A. Yes, sir. I think we recommended a transfer policy.

Q. Did you recommend a transfer for good cause non-racial in char- [25] acter? A. We recommended a majority to minority transfer.

Q. That is transfer on a racial basis, isn't it? A. Well, that is where a student could transfer from a school in which his race was in a majority to a school in which his race is in a minority, white or black.

Q. That is then setting it up on a racial basis, isn't it, taking race into account in order to determine whether the transfer will be granted? A. Well, it applies to both races, yes, sir.

Q. But it is on a racial basis, isn't it, a racial criteria? A. Yes, sir, that is to, it is to assist students in transferring from a majority to a minority situation.

Q. The way you determine under that how to grant the transfer is on a racial basis, isn't it? You take your race into account to determine whether he's eligible for the

transfer, don't you? A. Well, it could be white or black, either one.

Q. But you do take his race into account, don't you? I'm not saying whether it's white or black. I'm asking you if it's transfer on a racial basis? A. Well, if I understand what you are saying, I assume so, yes, sir.

[26] Q. Well, you wrote it. I didn't. A. Well, I was not thinking in terms of a racial basis necessarily. I was thinking in terms of all students.

Q. Well, all students but you determine his race to determine whether he's eligible for transfer? A. Yes, sir.

Q. And the transfer policy that you recommended, Mr. Jordan, didn't set it up in terms of where there might exist a school containing a majority of negro students. You said you set it up on the basis of whether there was a majority of negro or a majority of white students, is that correct? A. I don't have that transfer policy in front of me.

Q. Well, I am asking you what you recommended. I can read the policy and I am sure you can, too. I want to know— A. If you will let me look at it, I can refresh my memory. I don't recall exactly what it says.

> Mr. Gorman: I think that the recommendations that they made are clear from the submission that they proposed and they should be clarified.

A. Well, I work on many of these and I don't recall exactly sometimes in detail the wording of each of them.

Q. Now, you said that you felt a transfer policy allowing a transfer for good cause, any good cause, non-racially oriented was [27] a good transfer policy. A. I think that within any school system there arises from time to time

special hardship cases that should be considered, a situation, a family situation or where an individual may work or the fact that he may be moving. I think that hardship situations exist, and where a hardship situation exists in a given family, they should be taken into consideration regardless.

Q. And you think under a desegregation plan a school system should be free to grant such transfers? A. On those hardship cases, yes, sir.

Q. Did you include such a provision in the plan submitted in regard to Mobile? A. Of course, I don't recall exactly what I wrote in that, what was written on that transfer. I will be glad to check one of them and refresh my memory.

Q. As Mr. Gorman says, it speaks for itself. I am just interested in whether you have any recollection of what you recommended in it. A. Of that particular clause I don't remember the wording.

Q. Okay. I am interested in your personal professional opinion as to whether it is desirable or undesirable as a general proposition to take young elementary school students, say the first, second and third grades, out of their neighborhoods and trans- [28] port them to other areas to attend school? A. I think that this is desirable if they obtain better education where they are being transferred to.

Q. Okay. What is your opinion generally on the neighborhood school concept? Do you think that is desirable or undesirable? A. I think it depends—I think it depends on the neighborhood. In some neighborhoods where it might be a deprived neighborhood, I think there is some definite advantage in taking the children out of that neighborhood into a more advantaged neighborhood for education.

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Q. And do you assume a deprived school as well as a deprived neighborhood or just a deprived neighborhood? A. Well, a deprived neighborhood, now it quite often happens that the school in a deprived neighborhood is also a deprived school.

Q. Assuming that it's not, you still think it's better? A. I think it's better to take them to the point where they can get the better education. Now, firmly believing, based on research, that desegregated education is superior to segregated education, if a community school results in segregated education, then I think that is bad education.

Q. All right. Assuming you've got a school system where your [29] enrollment is entirely white, do you think it desirable to stick with the neighborhood school concept? A. I think the same would hold. If the children in the deprived neighborhood, and assuming that the neighborhood is all white, can obtain better education and achieve better education outside that neighborhood, they should be carried out.

Q. You then don't agree with the neighborhood school concept? A. No, sir, I didn't say I didn't agree with the neighborhood school concept. I said that where it is a deprived neighborhood and better education can be achieved elsewhere, then they should go there.

Q. All right. Now, what study did you make of the neighborhoods in Mobile before formulating the plan that you have submitted to the court? A. We did not make any intensive study of neighborhoods. We visited a number of schools in a number of neighborhoods and we based it on the impressions that we got.

Q. Okay. Mr. Jordan, are you familiar with the term

"articulation" as it is used in connection with education? A. Well, I am not sure what sense you are using it in.

Q. All right. The sense I have in mind is the movement of students through an educational process as a regular group rather than being separated and moved to one school one year and [30] another school another year. Are you familiar with it in that sense? A. Yes, sir.

Q. What is your opinion of articulation? A. Well now, you are asking what is my opinion where the students move together or separately?

Q. Well, I am asking your opinion as to where the students move through a regular process of schools rather than being detached from each other and moved to a different school every year? A. Well, I think it depends on your grade organization, and as I recall, the Mobile plan was set up basically on a five-three-four involving school complexes, and I think most children in most zones would move together through the educational process.

Q. All right. Do you think it desirable or undesirable to have students attend a different school each year? A. Well, I think it depends on what the grade structure is. I wouldn't think it would be desirable for a student to attend twelve different schools in twelve years.

Q. Do you think it would be undesirable then to put them in a school for one year's time? A. In the Mobile plan we have several complexes set up where they would be in one school one year.

[31] Q. Do you think that is desirable as an educational concept? A. I think it's desirable in this particular case.

Q. Well, do you think it's desirable as a general educational concept? A. I think it's a concept that is used frequently throughout the country.

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Q. For what purpose? A. Based on many factors, every school system varies. I know that I have run into, I don't recall all the exact names but there is every conceivable grade organization imaginable today.

Q. What was your purpose in using it in Mobile? A. That fit the educational and desegregation plan the best based on capacities.

Q. Would you have recommended that in Mobile if you had not been attempting to maximize desegregation in the school system? A. Well, I don't know. I don't know what I would have recommended if I had been doing a pure educational study not under a court order. We were trying to follow the court order as well as educational practices.

Q. If you had been doing a pure educational study under the court order, would you have recommended schools with a grade organizational structure of one year only? [32] A. If I was striving to achieve a set organizational pattern, it probably would have resulted in some, yes, sir. I don't know whether it would have or not. I didn't make that type of study.

Q. Well, do you think generally schools of a one year grade structure is a desirable thing, is a desirable educational concept? A. I wouldn't deliberately set out to establish one grade structures in schools, no. These one grade structure schools in Mobile are really part of an overall complex, school complex.

Q. In your experience with desegregation, Mr. Jordan, have you found it generally desirable or undesirable to have a very small minority of one racial group or another in a school with a majority of the other? A. Generally speaking, I find it undesirable to have a small minority of any race.

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Q. In a school with a large majority of the other? A. Yes, sir.

Q. Whether the small minority is white or black? A. White or black, yes, sir.

Q. Did you interpret the court decree as requiring absolutely or as absolutely as you could do it the elimination of every all-negro school? A. Yes.

[33] Q. And every all-white school? A. Yes.

Q. What was the status of desegregation in this Cobb County school at the time that you left it? A. They were in compliance at the time I left.

Q. In compliance with what? A. H.E.W. guidelines.

Q. Did they have any all-negro schools? A. When I left, I believe there was one that has since been closed.

Q. Did they have any all-white schools? A. There are some all-white schools in Cobb County. The percentage of black students in Cobb County overall is small.

Q. How many schools do you have in Cobb County? A. I believe at the time I was there, there were fifty-five. Now, there may be more now.

Q. When did you leave there? A. In '67.

Q. When in '67? A. January the 1st.

Q. January the 1st? A. Yes.

Q. So your last experience was in 1966? A. Right.

[34] Q. The '66-'67 school year? A. Yes.

Q. And you say there were fifty-five schools at that time? A. I believe that is correct, the best I recall.

Q. And one all-negro and how many all-white schools were there at that time? A. I don't recall exactly how many there were. We didn't have—Cobb County never had a

black high school or a junior high school prior to the 1964 Civil Rights Law.

Q. How many negro students did you have? A. Let me see. There were about two thousand.

Q. Out of forty thousand? A. Yes, sir. That's approximately, give or take a few, I don't remember exactly. I think there were seventy students left in the all-black school which I understand is now closed.

Q. Did you think it necessary in Cobb County to eliminate, in order to achieve a desegregated school system to eliminate every all-white school? A. Well, it wouldn't be possible to eliminate all all-white schools because you don't have enough black students to go around.

Q. But you said in order to have a fully desegregated school system, you must eliminate every all-white school? A. That's right. Some of them will not be desegregated there [35] because there are not that many black students. The same is true in Mobile. Now, there are some all-white schools in Mobile, too, that we could not avoid because—there were also some all-black schools left in Mobile, all black and all white both.

Q. Do you think the school desegregation plan that you devised and submitted to the court for the Mobile school system is the best desegregation plan available for that school system? A. I feel that the plan is a workable plan.

Q. That wasn't what I asked you. A. It's not the only plan that could be devised.

Q. That's not what I asked you. A. It's the best plan that we could devise at the time.

Q. But do you feel that it is the best plan that could be devised for Mobile? A. I don't know.

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Q. I am asking your opinion. A. Well, I frankly don't know. It was the best I was able to come up with.

Q. It was the best you were able to come up with? A. Yes, sir. It was the best that the consultants that I used and I were able to come up with.

Q. Do you feel like someone else could come up with a better [36] plan? A. I feel like frankly that if the administration of the school system would work on a plan with the aim in mind of eliminating under the same criteria we did of fully desegregating all schools, that they probably would come up with a different plan that would be every bit as good or better.

Q. Were there any restrictions on your operations, Mr. Jordan, that prevented you from coming up with a better plan? You expressed it in terms of the best plan you could come up with at the time. What restrictions were there that— A. Well, there were no restrictions. I think the school system's position was that they couldn't do the type work we were doing. I can appreciate their position. Frankly, I would have preferred, when we were sitting there drawing lines and changing maps, to have had Mr. McPherson and a few of his personnel there helping us change the lines.

Q. Was there any restriction from the standpoint of time? Did you have all the time you needed? A. Time was a factor. The time was very limited and we had to work night and day.

Q. If you had had more time, do you think you might have done a better or a more thorough job? A. We could have gotten more in depth in curriculum and other [37] educational factors. Whether we would have come up with a better plan, I don't know.

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Q. You don't think then any more time would have helped you? You are satisfied that you had sufficient time to do the job that you did? A. We had sufficient time based on doing just a desegregation plan. Now, we did not have time to make correlating studies that you could make that would support the overall plan. We did not get deeply into curriculum. Had there been more time, we would have made an effort to meet with the curriculum people and—

Q. But you didn't need any more time to handle the desegregation part of it, you had sufficient time and used sufficient time to do that? A. We put in enough manhours to make that sufficient by working night and day and weekends and Sundays and every other day.

Q. To have had another week or another month of time would have been of no assistance to you? A. I don't know that it would have materially changed the plan, no, sir. I can't project what we would have done in another week.

Q. You were talking about your single grade schools being a part of a complex. What complex is the Hillsdale School a part of? [38] A. I would have to look at the maps.

Q. All right. Let me refresh your memory. Hillsdale School is in the western part of town. A. Yes, it's in the—

Q. The very extreme western edge, almost on the City limits in the western section. A. Yes, I know where it is but I don't recall the names of the other schools right near there.

Q. But it is part of a complex? If you will show me which complex it is a part of? A. Yes, sir. We were thinking of this being a whole high school complex, this being a whole, no, I mean elementary, junior high complex or middle school complex.

Q. All right. Now, you say "this" and you are waving your hand around the map. A. Scarborough, Hillsborough and Azalea Road.

Q. Scarborough, Hillsdale and Azalea Road being a junior high complex? A. Right, and the same thing with Trinity Gardens, Prichard, Mobile Training and Clarke. I'm sorry I can't recall those names from memory.

Q. That's all right. I can't either sometimes. Now, in formulating your attendance areas did you draw the lines on a non- [39] racial basis or on a basis taking race into account? A. We took race into account.

Q. Now, Mr. Jordan, in your efforts to provide compensatory education, and you may want to refresh yourself from your maps, is there any area where you bussed students to provide this compensatory education that involved anything other than taking groups of negro students and bussing them? A. Well, I think the term "to provide compensatory education" is not exactly right. To provide better education than they are getting now.

Q. I was just using your term and Dr. Hall's term. I just wanted you to tell me if there was any instance where you—and you said you were bussing them to provide this compensatory education, and I wanted to know if there was any area or any group of students that you are providing this compensatory education for other than bussing groups of negro students? A. No, sir. Well now, wait a minute. That may not be exactly true. In the County section—

Q. I am talking about in the urban portion of the system and I wasn't attempting to cross you up on that. A. All right.

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Mr. Philips: Let's take a break for a few minutes.

(Recess.)

[40] Q. Mr. Jordan, are you familiar with any provisions of the Civil Rights Act that prohibit the bussing of students on a racial basis, for racial purposes? A. Yes, sir.

Q. And do you feel that the plan you submitted to the court is in violation of that or consistent with that? A. I have no idea.

Q. You have no idea? A. The court order, as I saw it, asked that the schools be desegregated.

Q. Did you consider the court order as requiring you to do this consistent with applicable provisions of law and Congressional Acts? A. Well, I didn't know. I didn't know, so we put it in as a recommendation with the statement that it would have to be up to the legal authorities to determine whether it was legal or not. Frankly, I didn't know. The consultants that we used couldn't see any way other than that to achieve full, so we put it in with the statement that it would have to be up to the lawyers and the court to determine whether that was legal or not.

Q. Are you familiar with any Congressional enactment in the Appropriations law which provides no part of the funds contained [41] in this act may be used to force bussing of students in violation of any school or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents in order to overcome racial imbalance? A. Yes, sir, I have read that.

Q. What is that? A. Sir?

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Q. What is it, where is it contained? A. I don't know the exact number or anything. I have a copy of what you have just read.

Q. Where is it, a Congressional enactment, or what is it? A. It came out of the Federal Register so I assume that it's a Congressional enactment. I'm not positive.

Q. Did you feel in your interpretation of the court order and your development of a plan for the Mobile school system, did you feel bound to adhere to this Congressional enactment? A. We felt that we should obey the court order and developed the plan as near as possible to the court order, stating that we were uncertain as to its legality and leaving it to the court to make the decision. I couldn't anticipate what the court had in mind.

Q. Did you state that you were uncertain as to the legalities [42] of this particular enactment in the plan? A. No, sir, I didn't know. No, we said that—

Q. Your statement of uncertainty only dealt with bussing, didn't it? A. Right.

Q. So you didn't make any qualifying statement of uncertainty with reference to these other things? A. No, sir.

Q. Did you take them into account at all in the plan? A. No, sir. We just simply tried to develop the plan as we saw it around the court order.

Q. And that is based on your interpretation, without any legal interpretation? A. Yes, sir, my interpretation and Dr. Anrig's interpretation.

Q. What did you draw on in your interpretation? A. Sir?

Q. What did you draw on, what information, what knowledge did you draw on in interpreting the decree? A. We

just simply read it and tried to follow it as we understood what we read.

Q. You didn't attempt to interpret it in the light of any outside information at all? A. No, sir.

[43] Q. Just the bare paper there before you? A. Yes, sir.

Q. How many personnel, how many men do you have in your office, Mr. Jordan? A. In my personal office?

Q. Yes, working with you or under you in your area of responsibility. A. Let's see. We just brought on a new man Monday and counting myself and the new man we brought on Monday, I have ten.

Q. And how many school systems are you presently working with in compliance with these court orders to prepare these— A. With these court orders?

Q. Yes. A. Well, the count may be different today than what it was yesterday because I haven't seen the mail and I think some more have come in, but as of yesterday we had twenty-five in South Carolina, five in Georgia, four in Alabama, and thirty-two in Mississippi.

Q. Were all of these—you are working on all of these at the same time you are working on Mobile? A. No, sir, not all of them. We were working on some of them, not all of them, no.

Q. All of them were in your office under your jurisdiction at [44] that time? A. Yes, sir. Of course, we weren't using just the ten people in this office. We were using consultants from throughout as we did in Mobile. Now, that count may be different, as I say, today than it was yesterday.

Mr. Philips: I have no further questions.

*Deposition of Jesse J. Jordan on July 16, 1969*

*On Cross Examination by Mr. Gorman:*

Q. Now, Mr. Jordan, with respect to your conversations with lawyers from the Justice Department concerning the Mobile plan, you mentioned that you talked to me about this plan. Just when did you talk with me concerning this? A. Last night.

Q. For about how long, do you remember? A. As I recall, it was about an hour.

Q. Did you talk to me at any time previous to that about the proposed plan for the Mobile system? A. No, only on the telephone the day before about changing the date that I was to be here.

Q. I see. And at that time did I call you to ask if the deposition, if you had received a request to be deposed? A. Yes.

Q. And did you at that time tell me that it would be much more [45] convenient for you if—

Mr. Philips: I think you are leading a little too much.

Mr. Gorman: Well, this is cross examination.

Mr. Philips: I realize it's cross examination but it's not an adverse witness and don't lead him.

Mr. Gorman: Well, I think I am entitled to on cross examination.

And did you—what request did you make of me at that time?

A. Well, yesterday we were, I had a meeting in Mobile with about eighteen people, consultants coming in from various parts of the country that we were setting up work to begin in the Mississippi court cases. They were

all arriving yesterday morning and it would have been most inconvenient to me not to be able to meet them and form the teams and get them started out on the road, so I asked you if you could get me changed until today, but if you couldn't, that I would appear and, Mr. Philips, I appreciate that.

Mr. Philips: I am glad to accommodate you. My whole purpose in going into that is not to show that you were not cooperative in appearing but simply to show that any pleas that you had in that regard, you immediately turned to the Justice Department rather than somebody else.

Q. Now, in addition to the Mobile plan, have you worked on other [46] school, developing desegregation plans for other school systems? A. Yes, sir.

Q. About how many plans have you worked on of this nature? A. You mean by myself alone?

Q. Well, that you have directly worked on either by yourself or with some assistance from other people. A. Well, I suppose I have been involved in developing plans for fifty school systems at least at this point, court orders and otherwise.

Q. About how many of those fifty were either you or your office brought into by way of court orders—that is, orders that directed H.E.W. to provide systems? A. I believe twenty-one approximately. I can only be approximate on these figures. I can't be exact. I would have to dig out the records on those.

Q. Of these approximately twenty-one systems, have you, how many plans have actually been submitted either to the school boards or to the courts? A. Have been submitted?

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Q. Yes, sir. A. Oh, they all have been submitted.

Q. And have some of these plans been adopted by the school sys- [47] tems without a direct court order to adopt them? A. Well, in the court order districts in South Carolina which were the first ones we worked on, out of the twenty-one court orders the school systems and I submitted jointly four. We had four plans that we agreed on. In the others there were agreements to varying degrees and they are still in the process of being heard. Of the ones that we have done that did not involve court orders, I am trying to remember now, Tift County in Georgia, Twiggs County in Georgia, are a couple that we worked on at the invitation of the superintendents that they adopted that were not court orders. Valdosta is another one we have recently completed. I don't know whether the board has adopted it yet or not. The superintendent seems to think they would. I don't know whether they have yet or not.

Q. As an educator do you believe that if transportation of students is necessary in order to provide a desegregated education or learning environment for students, that such, the value, the educational value of obtaining a desegregated learning environment outweighs any inconvenience or educational problems with such transportation? A. It is my belief that desegregated education is better than segregated education, and if we have to do some bussing to achieve that, I think it's better.

[48] Q. That is outside of any compensatory educational advantages it might have for particular students? A. Students, research has shown that students achieve better in a desegregated setting.

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Q. Now, did the plan you proposed rule out the possibility of transfers for educational reasons, tranfer of students? A. I am not sure I understand that.

Q. All right. In the plan that you proposed Mr. Philips asked you whether or not you believed that transfers for non-racial reasons, educational reasons, were desirable for any school system. Now, does the plan that you propose rule out the possibility of any such transfers? A. Well, I am not sure what you mean by educational reasons. I think an educational reason is the majority-minority. I think that is an educational reason. In addition to that, as I indicated, I think that the other transfers that would be justified is hardship cases.

Q. Now, in response to Mr. Philips' questions you indicated that in drawing up the plan that was proposed by you and your staff for the Mobile system, that you primarily used the decree which ordered H.E.W.—

Mr. Philips: His testimony was that he used the decree entirely.

Q. Now, did you also use your past experience that you have had [49] with formulating desegregation plans for other school systems when you worked on this Mobile plan? A. Yes, I used what background I have plus the background of all the consultants. I felt it necessary to have several competent educators with me.

Mr. Gorman: I have no further questions. Do you have anything further?

Mr. Philips: Just a very few.

*Deposition of Jesse J. Jordan on July 16, 1969*

*On Re-Direct Examination by Mr. Philips:*

Q. You said that in your philosophy that a desegregated education is superior to a segregated education, I believe you said. How long have you had that philosophy? A. Well, I don't know exactly when I first, when the Civil Rights Act of '64 was when I first began to read on it. I was greatly impressed by Dr. Morrill Weinberg's study in this field published under Phi Delta Kappa which is the professional educators' fraternity. Dr. Weinberg, I don't know him personally, of course, but I have read his reports over a period of years and of several thousand schools, made quite a research into the area of education and desegregation, and his conclusion on that study was that students, that disadvantaged students—

Q. Now, I am not asking for his opinion. I am asking for— [50] A. Well, those are my opinions based on his studies.

Q. How long have you had—you have had that philosophy then since 1964? A. Well, I have had that philosophy, I can't give you a date. I have had it for several years.

Q. Well, give me a date as near as you can, within a year?

Mr. Gorman: He just said that he couldn't give you a given time.

Mr. Philips: Well, I think he can.

A. Well, it's something that evolves as you go along. You change, educational theories and practices change as you move along.

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Q. Has it been since the Civil Rights Act of 1964? A. Yes, sir. That brought it to a head. That is when we first began to critically examine the situation.

Q. Now, you mentioned, I have forgotten, I can't remember the man who made the study, are you familiar—what is the name of the man whose study you referred to as influencing your thinking? A. Dr. Weinberg.

Q. Dr. Weinberg? Are you familiar with any other studies in this field? A. Yes, sir, Dr. Coleman's report.

Q. Do you agree or disagree with the Coleman report? A. I agree.

[51] Q. Entirely? A. I think so. I don't recall any particular point that I disagree.

Q. Is it inconsistent in any respect with Dr. Weinberg's study? A. Yes, sir.

Q. It is inconsistent? A. It is consistent. They reached similar conclusions.

Q. There is no inconsistency in the Coleman report and the Weinberg report? A. Well, if you—I am not competent to answer that question. Their conclusions are similar.

Q. Okay. Are you familiar with any studies on this subject by Dr. Vanderhaag of Fordham University? A. No, sir.

Q. Are you familiar with any study or any writings on this subject by Dr. Hill, President of Peabody College? A. I have read articles of his. I am not familiar with his detailed studies.

Q. All right. Do you think his studies and his philosophies and his writings— A. I am not familiar enough with Dr. Hill's philosophy to know exactly what his philosophy is.

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Q. Do you consider him an authority in this field? [52]
A. I do not know Dr. Hill personally.

Q. Do you consider him an authority in this field? A. I do not know. I am not certain. I know the name, that is all.

Q. How about Dr. Vanderhaag, do you consider him to be an authority in this field? A. Well, I think he is recognized as an authority by many educators.

Q. Do you recognize him as an authority?

Mr. Gorman: He has just testified that he doesn't know Dr.—

A. Well, I am not familiar enough with that particular study to—

Q. I was asking about Dr. Vanderhaag. We had discussed Dr. Hill previously. I am asking you—you said many considered Dr. Vanderhaag an authority and I am asking you if you consider him an authority. A. I don't know enough about his work. I would assume so, yes, sir. I am not familiar enough with his writings to know.

Q. Now, you said you have this philosophy that a desegregated education is superior to a segregated education. What is a desegregated education? A. It is education in a school that does not have racial identifiability. I think if we are going to live in a desegregated [53] society, then I think it is extremely important that our children go to desegregated schools.

Q. What is your thinking on resegregation? Suppose you set up an absolutely perfect desegregation plan, then it operates into resegregation. Do you think you must

then re-do your desegregation plan to desegregate again? A. Well, of course, if a plan results in resegregation, your problems are still great. Hopefully the best solution is to try to devise a plan that will not create that situation. I don't know whether this one does or not. Hopefully it does not, but if a school system resegregates after desegregation, then, of course, it has a continuing problem.

Q. And you think the best thing to do to begin with is to try to devise a plan that would not tend to result in resegregation? A. Yes, sir. If you could devise a plan that would effectively desegregate every school, then it would not be as likely to resegregate as it would if some were desegregated and others weren't.

Q. Suppose it did resegregate, you have only told us that you would have a continuing problem. We are quite aware of that. What we want to know from you, the expert, is what would you do when they resegregated? [54] A. I think that would depend on the circumstances and on the court order and what the situation was. I don't think I could give a general answer. This is a problem that the City of Atlanta is wrestling with now. They went through a desegregation process and a resegregation process. They are now seeking ways to overcome this, and I think each system would have to be taken independently.

Q. Okay. You mentioned some counties in Georgia that you had worked on desegregation plans without the benefit of court order, Tift County, Twiggs County, and Valdosta which I assume is a city system. A. Yes, sir.

Q. Would you name the others? A. I don't recall, Mr. Philips. I could dig it out of my records and send you a list of them.

Q. Would you do that? A. Yes, sir. I don't recall the exact—those are ones that I personally worked on but our office has worked on a number.

Q. If you would send me all of those, a list of all of those, I would be grateful. A. All right. I will have to have time to do it, though. I've got to go to Mississippi. I am not exactly positive of the date I will get them here, but I will do it.

[55] Q. All right. Perhaps you can call someone in your office and get them to do it. A. There's no one in my office. They are all in Mississippi. That's where I'm fixing to be.

Mr. Philips: Okay. I think that is all. I don't have anything else. Thank you very much, Mr. Jordan.

• • • • •

## District Court Order of August 1, 1969

It is difficult for one unschooled in the field of education to implement a plan to operate the Mobile County Public School System in any fashion, but I am confronted with doing just that in what I hope will be a practical and workable way within the law.

The Supreme Court and the Court of Appeals have interpreted the law. We may agree with their interpretation or not, but we must follow it.

In approaching this task, which is without doubt the most difficult as well as important that I have ever encountered, I have called upon any and every source at my command for assistance.

The Department of Health, Education and Welfare, with inadequate time, has filed a plan with which I can agree in part and disagree in part. It contains some provisions which I think are both impractical and educationally unsound. HEW readily acknowledges that this plan is not perfect and invites the School Board to suggest improvements. The School Board has filed absolutely no plan for the assistance of the court. The professional staff of the Mobile Public School System did, as authorized by the School Board, work with HEW in attempting to formulate such a plan, but their efforts did not meet with the approval of the School Board. The court has the benefit of such work, but wishes to make it clear that such was never approved by the School Board, though the end results in many areas were substantially in accord with HEW.

With eight years of litigation, entailing countless days and weeks of hearings in court, it has been clearly established that the Mobile County School System must forth-

with be operated in accordance with the law of the land. What this school system needs is to educate children legally, and not to engage in protracted litigation. After all, the children are the ones in whom we should be most interested. With this in mind, I get to the business at hand.

The plan filed by HEW calls for its implementation by the beginning of the 1969-70 school term of all rural schools and all metropolitan areas west of Interstate Highway 65. It clearly states that its plan for all metropolitan areas east of I-65 cannot possibly be implemented before the 1970-71 school term. In this, the court is in complete agreement.

As to the rural schools and all metropolitan areas west of I-65, the Court ORDERS, ADJUDGES and DECREES the following plan under which the Mobile County School System will operate, beginning with the school term of 1969-70:

I.

Attendance area zones for all rural schools of the System, elementary, junior high and high schools, are directed in accordance with maps hereto attached, marked Exhibits 1, 2 and 3.

II.

Attendance area zones for the metropolitan schools located west of I-65, elementary, junior high and high schools, are directed in accordance with maps hereto attached, marked Exhibits 4, 5 and 6.

III.

Attendance area zones for the metropolitan elementary and junior high schools located *east* of Interstate Highway

65 shall be the identical zones as those utilized for the past school year, 1968-69.

IV.

The metropolitan senior high schools located *east* of Interstate Highway 65, including the Toulminville High School, shall operate under the freedom of choice desegregation plan and each student shall attend the school which was selected during the recent choice period of May, 1969; *however,* every senior high school student living west of Interstate Highway 65 must attend the senior high school serving his attendance area, notwithstanding the student's choice to attend a high school located east of Interstate Highway 65.

V.

The court is not satisfied with the Plan set out by HEW for the metropolitan schools lying east of I-65 for implementation for the 1970-71 school term. The court knows that further study will result in a far better and more practical, as well as legal, plan.

VI.

The School Board is hereby ordered to file with the court, not later than December 1, 1969, a suggested desegregation plan for all of the metropolitan schools located east of I-65. This plan shall be formulated by the School Board in consideration of the mandate of the Fifth Circuit Court of Appeals of June 3, 1969 and after further study and collaboration with HEW officials. The School Board is hereby ordered to file a detailed progress report to the court on

October 10, 1969 and November 20, 1969 outlining the steps taken in formulating the plan.

The court fervently hopes that the decree herein entered and the plan of December 1, 1969 will end further litigation for the public school system of Mobile County.

## VII.

### Faculty

For the 1969-70 school term and subsequent years, the faculty of each school, including the principals, teachers, teacher's aides, and other staff members who work directly with the children, shall have a racial composition not identifiable as a school for negro or white students.

For the upcoming year, the School Board shall assign, as far as is educationally feasible, the staff described above so that the racial composition of each school's faculty shall reflect substantially, the racial composition of the teachers in the entire school system.

Staff members who work directly with children, and professional staff who work on the administrative level, shall be hired, assigned, promoted, paid, demoted, dismissed and otherwise treated without regard to race, color, or national origin, except to the extent necessary to erase segregation.

If there is to be a reduction in the number of principals, teachers, teacher-aides or other professional staff employed by the school district, which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition, if there is any such dismissal or demotion, no staff vacancy

may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

## VIII.

The Toulminville School for the year 1969-70 is to be operated in the same grade level as it was last year.

## IX.

The five per cent transfer provision for children of minority groups set out in the court's plan of last year is completely deleted.

## X.

### Public Notice

The School Board shall publish or cause to have published in the local newspaper, the complete text of this decree and the maps, identified as Exhibits 1, 2, 3, 4, 5, and 6, to this court's decree. The decree and maps shall

be published once a day for three consecutive days, alternating the morning and evening editions of the newspaper. In addition, the School Board shall post or cause to be posted in a conspicuous place in each school in the System, and at the offices of the School Board, copies of the map outlining the particular school's area attendance zone. This notice provision also applies to those elementary and junior high schools, east of I-65, which shall operate under last year's attendance area zones.

Dated: August 1, 1969.

/s/ DANIEL H. THOMAS

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[Maps omitted. See original record]

## School Board Report to the Court Filed November 26, 1969

Come now the Defendants, the Board of School Commissioners of Mobile County, Et al, and file herewith the reports of information required by the court to be filed in the court on or before November 26, 1969 (being the same reports as paragraph VI of the court's order of May 13, 1968). The reports are attached hereto.

## *School Board Report to the Court Filed November 26, 196*

ENROLLMENT REPORT
MOBILE COUNTY PUBLIC SCHOOLS
(Based on Net Enrollment - Sept. 26, 1969)

| SCHOOLS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Adams | White | 38 | 42 | 36 | 54 | 42 | 234 | 240 | | | | | | 686 |
| | Negro | 28 | 30 | 31 | 36 | 29 | 75 | 82 | | | | | | 311 |
| | Total | 66 | 72 | 67 | 90 | 71 | 309 | 322 | | | | | | 997 |
| Alba | White | 100 | 110 | 141 | 119 | 124 | 149 | 171 | 134 | 150 | 119 | 102 | 95 | 1514 |
| | Negro | 9 | 12 | 11 | 13 | 13 | 15 | 24 | 26 | 25 | 16 | 20 | 10 | 194 |
| | Total | 109 | 122 | 152 | 132 | 137 | 164 | 195 | 160 | 175 | 135 | 122 | 105 | 1708 |
| Arlington | White | 60 | 78 | 44 | 58 | 67 | | | | | | | | 307 |
| | Negro | 52 | 47 | 43 | 42 | 53 | | | | | | | | 237 |
| | Total | 72 | 125 | 87 | 100 | 120 | | | | | | | | 544 |
| Austin | White | 64 | 64 | 75 | 67 | 60 | 66 | | | | | | | 396 |
| | Negro | 4 | 4 | 1 | 3 | 8 | 2 | | | | | | | 22 |
| | Total | 68 | 68 | 76 | 70 | 68 | 68 | | | | | | | 418 |
| Azalea Road | White | | | | | | | 500 | 539 | | | | | 1039 |
| | Negro | | | | | | | 19 | 19 | | | | | 38 |
| | Total | | | | | | | 519 | 558 | | | | | 1077 |
| Baker | White | 55 | 60 | 63 | 70 | 82 | 64 | 114 | 133 | 96 | 87 | 78 | 67 | 969 |
| | Negro | 9 | 8 | 8 | 8 | 7 | 10 | 9 | 14 | 11 | 4 | 5 | 4 | 97 |
| | Total | 64 | 68 | 71 | 78 | 89 | 74 | 123 | 147 | 107 | 91 | 83 | 71 | 1066 |
| Belsaw | White | | | | | | 6 | 9 | 6 | | | | | 21 |
| | Negro | | | | | | 54 | 73 | 80 | | | | | 207 |
| | Total | | | | | | 60 | 82 | 86 | | | | | 228 |
| Bienville | White | 46 | 43 | 30 | 56 | 35 | 52 | | | | | | | 262 |
| | Negro | 42 | 54 | 53 | 49 | 47 | 54 | | | | | | | 299 |
| | Total | 88 | 97 | 83 | 105 | 82 | 106 | | | | | | | 561 |
| Blount | White | | | | | | | | | | | | | ---- |
| | Negro | | | | | | | | 454 | 416 | 439 | 284 | 300 | 1893 |
| | Total | | | | | | | | 454 | 416 | 439 | 284 | 300 | 1893 |
| Brazier | White | | | | | | | | | | | | | ---- |
| | Negro | 154 | 188 | 181 | 190 | 219 | 191 | | | | | | | 1123 |
| | Total | 154 | 188 | 181 | 190 | 219 | 191 | | | | | | | 1123 |
| Brookley | White | 81 | 81 | 84 | 82 | 90 | 81 | | | | | | | 499 |
| | Negro | 15 | 12 | 5 | 18 | 13 | 12 | | | | | | | 75 |
| | Total | 96 | 93 | 89 | 100 | 103 | 93 | | | | | | | 574 |
| Burroughs | White | 26 | 37 | 38 | 36 | 27 | 28 | | | | | | | 192 |
| | Negro | 52 | 46 | 52 | 52 | 37 | 51 | | | | | | | 290 |
| | Total | 78 | 83 | 90 | 88 | 64 | 79 | | | | | | | 482 |
| Calcedeaver | White | 25 | 26 | 29 | 30 | 27 | 22 | | | | | | | 159 |
| | Negro | | | | | | | | | | | | | --- |
| | Total | 25 | 26 | 29 | 30 | 27 | 22 | | | | | | | 159 |

| SCHOOLS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | TO |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Caldwell | White | | | | | | | | | | | | | |
| | Negro | 26 | 46 | 58 | 76 | 59 | 49 | | | | | | | |
| | Total | 26 | 46 | 58 | 76 | 59 | 49 | | | | | | | |
| Carver | White | | | | | | | 1 | | | | | | |
| | Negro | | | | | | 429 | 428 | | | | | | |
| | Total | | | | | | 429 | 429 | | | | | | |
| Central | White | | | | | | | | | | | | | |
| | Negro | | | | | | | | | 391 | 434 | 364 | 281 | |
| | Total | | | | | | | | | 391 | 434 | 364 | 281 | |
| Chickasaw | White | 55 | 77 | 82 | 84 | 98 | 98 | | | | | | | |
| | Negro | | 1 | 1 | | 1 | | | | | | | | |
| | Total | 55 | 78 | 83 | 84 | 99 | 98 | | | | | | | |
| Child Guid. | White | | | | 64 | | | | | | | | | |
| | Negro | | | | 20 | | | | | | | | | |
| | Total | | | | 84 | | | | | | | | | |
| Citronelle | White | | | | | | 92 | 112 | 123 | 133 | 133 | 113 | 94 | |
| | Negro | | | | | | 18 | 49 | 39 | 66 | 74 | 80 | 74 | |
| | Total | | | | | | 110 | 161 | 162 | 199 | 207 | 193 | 168 | |
| Clark | White | | | | | | | 297 | 353 | 439 | | | | |
| | Negro | | | | | | | 83 | 43 | 77 | | | | |
| | Total | | | | | | | 380 | 396 | 516 | | | | |
| Council | White | | | | | | | | | | | | | |
| | Negro | 96 | 88 | 107 | 91 | 99 | | | | | | | | |
| | Total | 96 | 88 | 107 | 91 | 99 | | | | | | | | |
| Craighead | White | | | | | | 77 | 42 | | | | | | |
| | Negro | | | | | | 125 | 280 | | | | | | |
| | Total | | | | | | 202 | 322 | | | | | | |
| Crichton | White | 83 | 89 | 74 | 105 | 79 | 77 | | | | | | | |
| | Negro | 46 | 40 | 36 | 39 | 36 | 40 | | | | | | | |
| | Total | 129 | 129 | 110 | 144 | 115 | 117 | | | | | | | |
| Davidson | White | | | | | | | | | 636 | 621 | 582 | 463 | |
| | Negro | | | | | | | | | 24 | 19 | 16 | 13 | |
| | Total | | | | | | | | | 660 | 640 | 598 | 476 | |
| Davis | White | 99 | 95 | 92 | 109 | 97 | 99 | | | | | | | |
| | Negro | 34 | 29 | 25 | 25 | 34 | 31 | | | | | | | |
| | Total | 133 | 124 | 117 | 134 | 131 | 130 | | | | | | | |
| Dickson | White | 117 | 136 | 149 | 157 | 150 | 126 | | | | | | | |
| | Negro | 27 | 29 | 43 | 26 | 38 | 30 | | | | | | | |
| | Total | 144 | 165 | 192 | 183 | 188 | 156 | | | | | | | |

| SCHOOLS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Dixon | White | 41 | 32 | 48 | 46 | 41 | 41 | | | | | | | 249 |
| | Negro | 32 | 32 | 29 | 35 | 26 | 35 | | | | | | | 189 |
| | Total | 73 | 64 | 77 | 81 | 67 | 76 | | | | | | | 438 |
| Dodge | White | 94 | 101 | 114 | 122 | 109 | 135 | | | | | | | 675 |
| | Negro | 11 | 8 | 14 | 13 | 12 | 7 | | | | | | | 65 |
| | Total | 105 | 109 | 128 | 135 | 121 | 142 | | | | | | | 740 |
| Dunbar | White | | | | | | | 2 | | | | | | 2 |
| | Negro | | | | | | | 404 | 433 | | | | | 837 |
| | Total | | | | | | | 406 | 433 | | | | | 839 |
| Eanes | White | | | | | | | 323 | 398 | 245 | | | | 966 |
| | Negro | | | | | | | 35 | 73 | 26 | | | | 134 |
| | Total | | | | | | | 358 | 471 | 271 | | | | 1100 |
| Eight Mile | White | 74 | 43 | 53 | 58 | 64 | 66 | 110 | 118 | | | | | 586 |
| | Negro | 16 | 14 | 12 | 13 | 12 | 12 | 12 | 19 | | | | | 110 |
| | Total | 90 | 57 | 65 | 71 | 76 | 78 | 122 | 137 | | | | | 696 |
| Emerson | White | 1 | 1 | 1 | | | 1 | | | | | | | 4 |
| | Negro | 43 | 52 | 63 | 81 | 57 | 58 | | | | | | | 354 |
| | Total | 44 | 53 | 64 | 81 | 57 | 59 | | | | | | | 358 |
| Evans | White | | | | 54 | | | | | | | | | 54 |
| | Negro | | | | 87 | | | | | | | | | 87 |
| | Total | | | | 141 | | | | | | | | | 141 |
| Fonde | White | 89 | 108 | 118 | 126 | 118 | 120 | | | | | | | 679 |
| | Negro | 6 | | | 4 | 1 | | | | | | | | 11 |
| | Total | 95 | 108 | 118 | 130 | 119 | 120 | | | | | | | 690 |
| Fonvielle | White | | | | | | | | | | | | | ---- |
| | Negro | 190 | 199 | 195 | 230 | 180 | 215 | | | | | | | 1209 |
| | Total | 190 | 199 | 195 | 230 | 180 | 215 | | | | | | | 1209 |
| Forest Hill | White | 87 | 96 | 108 | 139 | 130 | | | | | | | | 560 |
| | Negro | | | | | | | | | | | | | --- |
| | Total | 87 | 96 | 108 | 139 | 130 | | | | | | | | 560 |
| Glendale | White | 77 | 94 | 80 | 86 | 77 | 94 | | | | | | | 508 |
| | Negro | 26 | 23 | 25 | 23 | 22 | 30 | | | | | | | 149 |
| | Total | 103 | 117 | 105 | 109 | 99 | 124 | | | | | | | 657 |
| Gorgas | White | | | | 1 | | 1 | | | | | | | 2 |
| | Negro | 170 | 187 | 204 | 207 | 203 | 182 | | | | | | | 1153 |
| | Total | 170 | 187 | 204 | 208 | 203 | 183 | | | | | | | 1155 |
| Grand Bay | White | 118 | 105 | 96 | 124 | 92 | 95 | | | | | | | 630 |
| | Negro | 24 | 19 | 27 | 25 | 29 | 22 | | | | | | | 146 |
| | Total | 142 | 124 | 123 | 149 | 128 | 117 | | | | | | | 776 |

| SCHOOLS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Grant | White | 1 | | | | | | | | | | | |
| | Negro | 225 | 244 | 272 | 276 | 257 | | | | | | | |
| | Total | 226 | 244 | 272 | 276 | 257 | | | | | | | |
| Griggs | White | 132 | 156 | 163 | 138 | 142 | 134 | | | | | | |
| | Negro | 7 | 5 | 9 | 7 | 7 | 6 | | | | | | |
| | Total | 139 | 161 | 172 | 145 | 149 | 140 | | | | | | |
| Hall | White | | | | | | | | | | | | |
| | Negro | 112 | 102 | 120 | 125 | 104 | 123 | | | | | | |
| | Total | 112 | 102 | 120 | 125 | 104 | 123 | | | | | | |
| Hamilton | White | 110 | 103 | 98 | 111 | 102 | 105 | | | | | | |
| | Negro | | | | | | | | | | | | |
| | Total | 110 | 103 | 98 | 111 | 102 | 105 | | | | | | |
| Hillsdale | White | | | | | | 123 | 157 | 151 | | | | |
| | Negro | | | | | | 51 | 74 | 92 | | | | |
| | Total | | | | | | 174 | 231 | 243 | | | | |
| Holl. Island | White | 55 | 70 | 76 | 49 | 80 | 64 | | | | | | |
| | Negro | 1 | 1 | | | | | | | | | | |
| | Total | 56 | 71 | 76 | 49 | 80 | 64 | | | | | | |
| Howard | White | | | | | | | | | | | | |
| | Negro | 82 | 79 | 79 | 64 | 68 | 75 | | | | | | |
| | Total | 82 | 79 | 79 | 64 | 68 | 75 | | | | | | |
| Ind. Springs | White | 87 | 76 | 83 | 90 | 107 | 77 | | | | | | |
| | Negro | 3 | 1 | 2 | 2 | 3 | 1 | | | | | | |
| | Total | 90 | 77 | 85 | 92 | 110 | 78 | | | | | | |
| Lee | White | 100 | 84 | 89 | 81 | 115 | | | | | | | |
| | Negro | 26 | 28 | 19 | 20 | 26 | | | | | | | |
| | Total | 126 | 112 | 108 | 101 | 141 | | | | | | | |
| Leinkauf | White | 45 | 46 | 29 | 44 | 52 | 52 | | | | | | |
| | Negro | 31 | 26 | 28 | 35 | 30 | 27 | | | | | | |
| | Total | 76 | 72 | 57 | 79 | 82 | 79 | | | | | | |
| Lott | White | 86 | 84 | 106 | 100 | 89 | | | | | | | |
| | Negro | 23 | 27 | 33 | 40 | 22 | | | | | | | |
| | Total | 109 | 111 | 139 | 140 | 111 | | | | | | | |
| Maryvale | White | 73 | 92 | 83 | 117 | 97 | 86 | | | | | | |
| | Negro | 7 | 13 | 8 | 10 | 11 | 6 | | | | | | |
| | Total | 80 | 105 | 91 | 127 | 108 | 92 | | | | | | |
| Hertz | White | 77 | 77 | 78 | 74 | 83 | 72 | | | | | | |
| | Negro | | | | | | | | | | | | |
| | Total | 77 | 77 | 78 | 74 | 83 | 72 | | | | | | |

| SCHOOLS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| [illegible]. Co. High | White | | | | | | | 116 | 113 | 105 | 100 | 97 | 71 | 602 |
| | Negro | | | | | | | 40 | 49 | 55 | 43 | 34 | 30 | 251 |
| | Total | | | | | | | 156 | 162 | 160 | 143 | 131 | 101 | 853 |
| [illegible]. Co. Trng. | White | | | | | | | | | | | | | ---- |
| | Negro | | | | | | 201 | 176 | 205 | 238 | 181 | 149 | 133 | 1283 |
| | Total | | | | | | 201 | 176 | 205 | 238 | 181 | 149 | 133 | 1283 |
| [illegible]ntgomery | White | | | | | | | | — | 202 | 231 | 182 | 172 | 787 |
| | Negro | | | | | | | | | 11 | 9 | 4 | 6 | 30 |
| | Total | | | | | | | | | 213 | 240 | 186 | 178 | 817 |
| [illegible]rningside | White | 137 | 125 | 132 | 123 | 107 | 116 | | | | | | | 740 |
| | Negro | | | | | | | | | | | | | --- |
| | Total | 137 | 125 | 132 | 123 | 107 | 116 | | | | | | | 740 |
| [illegible]. Vernon | White | 20 | 17 | 19 | 15 | 13 | | | | | | | | 84 |
| | Negro | 74 | 53 | 71 | 70 | 90 | | | | | | | | 358 |
| | Total | 94 | 70 | 90 | 85 | 103 | | | | | | | | 442 |
| [illegible]rphy | White | | | | | | | | | 490 | 731 | 690 | 691 | 2602 |
| | Negro | | | | | | | | | 69 | 88 | 47 | 35 | 239 |
| | Total | | | | | | | | | 559 | 819 | 737 | 726 | 2841 |
| [illegible]d Shell | White | 34 | 50 | 41 | 27 | 55 | 42 | | | | | | | 249 |
| | Negro | 14 | 25 | 19 | 16 | 18 | 20 | | | | | | | 112 |
| | Total | 48 | 75 | 60 | 43 | 73 | 62 | | | | | | | 361 |
| [illegible]chard | White | 151 | 131 | 175 | 137 | 160 | | | | | | | | 754 |
| | Negro | 26 | 21 | 20 | 23 | 23 | | | | | | | | 113 |
| | Total | 177 | 152 | 195 | 160 | 183 | | | | | | | | 867 |
| [illegible]vens | White | | | | | | | | | | | | | ---- |
| | Negro | 158 | 175 | 180 | 179 | 200 | 208 | | | | | | | 1100 |
| | Total | 158 | 175 | 180 | 179 | 200 | 208 | | | | | | | 1100 |
| [illegible]lmer | White | 9 | 13 | 11 | 12 | 12 | | | | | | | | 57 |
| | Negro | 127 | 124 | 140 | 137 | 146 | | | | | | | | 674 |
| | Total | 136 | 137 | 151 | 149 | 158 | | | | | | | | 731 |
| [illegible]illips | White | | | | | | | 349 | 403 | | | | | 752 |
| | Negro | | | | | | | 67 | 55 | | | | | 122 |
| | Total | | | | | | | 416 | 458 | | | | | 874 |
| [illegible]ichard | White | | | | | | 13 | 107 | 108 | 125 | | | | 353 |
| | Negro | | | | | | 21 | 50 | 56 | 43 | | | | 170 |
| | Total | | | | | | 34 | 157 | 164 | 168 | | | | 523 |
| [illegible]in | White | | | | | | | 195 | 234 | 225 | 254 | 232 | 156 | 1296 |
| | Negro | | | | | | | 20 | 31 | 15 | 32 | 9 | 5 | 112 |
| | Total | | | | | | | 215 | 265 | 240 | 286 | 241 | 161 | 1408 |

*School Board Report to the Court Filed November 26, 1969*



| SCHOOLS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| Robbins | White | 1 | 2 | 1 | 1 | 1 | | | | | | | |
| | Negro | 147 | 158 | 163 | 177 | 170 | | | | | | | |
| | Total | 148 | 160 | 164 | 178 | 171 | | | | | | | |
| St. Elmo | White | | | | | | | 192 | 244 | | | | |
| | Negro | | | | | | | 30 | 24 | | | | |
| | Total | | | | | | | 222 | 268 | | | | |
| Saraland | White | 118 | 131 | 142 | 139 | 131 | | | | | | | |
| | Negro | 4 | 11 | 3 | 5 | 10 | | | | | | | |
| | Total | 122 | 142 | 145 | 144 | 141 | | | | | | | |
| Satsuma | White | | | | | | | | 269 | 297 | 221 | 212 | 151 |
| | Negro | | | | | | | | 61 | 62 | 71 | 44 | 29 |
| | Total | | | | | | | | 330 | 359 | 292 | 256 | 180 |
| Scarborough | White | | | | | | 181 | 229 | 228 | | | | |
| | Negro | | | | | | 39 | 38 | | | | | |
| | Total | | | | | | 220 | 267 | 228 | | | | |
| Semmes | White | 69 | 76 | 64 | 99 | 69 | 119 | 246 | 246 | | | | |
| | Negro | 1 | | | 1 | | | 11 | 12 | | | | |
| | Total | 70 | 76 | 64 | 100 | 69 | 119 | 357 | 258 | | | | |
| Shaw | White | | | | | | | | | 355 | 337 | 318 | 232 |
| | Negro | | | | | | | | | 60 | 76 | 47 | 54 |
| | Total | | | | | | | | | 415 | 413 | 365 | 286 |
| Shepard | White | 39 | 64 | 75 | 79 | 82 | 70 | | | | | | |
| | Negro | 4 | 7 | 4 | 5 | 2 | 7 | | | | | | |
| | Total | 43 | 71 | 79 | 84 | 84 | 77 | | | | | | |
| Stanton Road | White | | | | | | | | | | | | |
| | Negro | 121 | 170 | 169 | 180 | 159 | 178 | | | | | | |
| | Total | 121 | 170 | 169 | 180 | 159 | 178 | | | | | | |
| Tanner Wms. | White | 55 | 56 | 67 | 60 | 54 | 48 | | | | | | |
| | Negro | 2 | 2 | | 3 | 1 | 1 | | | | | | |
| | Total | 57 | 58 | 67 | 63 | 55 | 49 | | | | | | |
| Theodore | White | | | | | | | 135 | 127 | 345 | 353 | 287 | 219 |
| | Negro | | | | | | | 48 | 59 | 64 | 69 | 54 | 41 |
| | Total | | | | | | | 183 | 186 | 409 | 422 | 341 | 260 |
| Thomas | White | 27 | 44 | 36 | 40 | 33 | 42 | | | | | | |
| | Negro | 19 | 20 | 13 | 18 | 20 | 11 | | | | | | |
| | Total | 46 | 64 | 49 | 58 | 53 | 53 | | | | | | |
| Toulminville | White | | | | | | | | | | | | |
| | Negro | | | | | | | | | | 443 | 381 | 311 |
| | Total | | | | | | | | | | 443 | 381 | 311 |

| SCHOOLS | | 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 | 9 | 10 | 11 | 12 | TOTAL |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| inity Gdns. | White | | | | | | | | | | | | | ---- |
| | Negro | | | | | | | 219 | 210 | 196 | 176 | 160 | 123 | 1084 |
| | Total | | | | | | | 219 | 210 | 196 | 176 | 160 | 123 | 1084 |
| gor | White | | | | | | | | | | 611 | 463 | 430 | 1504 |
| | Negro | | | | | | | | | | 113 | 57 | 25 | 195 |
| | Total | | | | | | | | | | 724 | 520 | 455 | 1699 |
| shington | White | | | | | | | | | | | | | ---- |
| | Negro | | | | | | | 561 | 534 | 433 | | | | 1528 |
| | Total | | | | | | | 561 | 534 | 433 | | | | 1528 |
| tlawn | White | 68 | 80 | 89 | 81 | 108 | 90 | | | | | | | 516 |
| | Negro | | | | | | | | | | | | | --- |
| | Total | 68 | 80 | 89 | 81 | 108 | 90 | | | | | | | 516 |
| istler | White | 27 | 29 | 23 | 73 | 29 | 46 | | | | | | | 227 |
| | Negro | 31 | 30 | 44 | 62 | 33 | 31 | | | | | | | 231 |
| | Total | 58 | 59 | 67 | 135 | 62 | 77 | | | | | | | 458 |
| itley | White | | | | | | | | | | | | | --- |
| | Negro | 70 | 77 | 87 | 85 | 76 | | | | | | | | 395 |
| | Total | 70 | 77 | 87 | 85 | 76 | | | | | | | | 395 |
| 11 | White | 125 | 125 | 142 | 139 | 126 | | | | | | | | 657 |
| | Negro | 31 | 28 | 38 | 33 | 45 | | | | | | | | 175 |
| | Total | 156 | 153 | 180 | 172 | 171 | | | | | | | | 832 |
| lliams | White | 80 | 80 | 84 | 90 | 67 | 96 | | | | | | | 497 |
| | Negro | 11 | 11 | 9 | 6 | 14 | 9 | | | | | | | 60 |
| | Total | 91 | 91 | 93 | 96 | 81 | 105 | | | | | | | 557 |
| lliamson | White | | | | | | | | | | 1 | | | 1 |
| | Negro | | | | | | | 260 | 245 | 245 | 203 | 189 | | 1142 |
| | Total | | | | | | | 260 | 245 | 246 | 203 | 189 | | 1143 |
| lmer | White | 44 | 55 | 53 | 58 | 59 | 64 | | | | | | | 333 |
| | Negro | 14 | 9 | 9 | 11 | 9 | 7 | | | | | | | 59 |
| | Total | 58 | 64 | 62 | 69 | 68 | 71 | | | | | | | 392 |
| odcock | White | 32 | 37 | 40 | 53 | 44 | 33 | | | | | | | 239 |
| | Negro | 14 | 14 | 20 | 27 | 20 | 24 | | | | | | | 119 |
| | Total | 46 | 51 | 60 | 80 | 64 | 57 | | | | | | | 358 |
| AND TOTAL | White | 3232 | 3421 | 3554 | 3877 | 3626 | 3497 | 3647 | 3927 | 3843 | 3799 | 3356 | 2841 | 42620 |
| | Negro | 2497 | 2629 | 2783 | 3023 | 2799 | 2793 | 2832 | 2848 | 2527 | 2532 | 1958 | 1663 | 30884 |
| | Total | 5729 | 6050 | 6337 | 6900 | 6425 | 6290 | 6479 | 6775 | 6370 | 6331 | 5314 | 4504 | 73504 |

*School Board Report to the Court Filed November 26, 1969*

EXPLANATION OF COLUMNS - SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES
MOBILE COUNTY PUBLIC SCHOOLS - MOBILE, ALABAMA

**Column (1)** Name of school and grade level.

**(2)** Number of teachers assigned for 1969-70 as of September 24, 1969.

**(3)** Number of white and non-white teachers assigned. This colum equals column (2).

**(4)** This column indicates number of teachers resigning between May 1, 1969 thru August 1969.

**(5)** Vacancies filled by new teachers or transfers.

**(6)** Vacancies not filled as of September 24, 1969.

**(7)** New teachers assigned for 1969-70.

**(8)** Number of transfers received from schools listed.

**(9)** Number of transfers to the schools listed.

| School | (1) No. Teachers Assigned 69-70 | White | Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Alma (1-7) | | | | | | | | | | |
| Elem. 1-5 | 11 | 4 | 7 | 1 | 1 | 0 | 1 | 5 | 1 Calcedeaver | 1 Blount |
| Sec. 6-7 | 24 | 16 | 8 | | | | | | 6 Satsuma | 2 Pritchard |
| Spec.Ed | 1 | | 1 | | | | | | 4 Lee | 7 Satsuma |
| | 36 | 20 | 16 | | | | | | 1 Whistler | 1 Azalea Rd. |
| | | | | | | | | | | 1 Mala |
| | | | | | | | | | | 1 Washington |
| Alba (1-12) | | | | | | | | | | |
| Elem. 1-5 | 21 | 16 | 5 | 8 | 5 | 3 | 3 | 7 | 3 St. Elmo | 3 Dixon |
| Sec. 6-12 | 37 | 33 | 4 | | | | | | 4 Dixon | 1 Grant |
| Spec.Ed | 1 | | 1 | | | | | | 1 Dauphin Island | 1 Carver |
| | 59 | 49 | 10 | | | | | | 1 Washington | 1 Lott |
| | | | | | | | | | 1 Griggs | 1 Emerson |
| | | | | | | | | | | 1 Davidson |
| | | | | | | | | | | 1 Grand Bay |
| | | | | | | | | | | 1 Burroughs |
| Arlington | | | | | | | | | | |
| Elem. 1-5 | 16 | 13 | 3 | 3 | 2 | 1 | | 1 | 1 Fonvielle | None |
| | | | | | | | | | 1 Woodcock | |
| Austin | | | | | | | | | | |
| Elem. 1-6 | 13 | 10 | 3 | 1 | 1 | | | 1 | 1 Brazier | 1 Calcedeaver |
| | | | | | | | | | 1 Orchard | |
| Azalea Road | | | | | | | | | | |
| Sec. 7-8 | 40 | 35 | 5 | 5 | 2 | 3 | | 2 | 1 Semmes | 1 Hillsdale |
| Spec. Ed. | 1 | 1 | | | | | | | 2 St. Elmo | 1 Trinity Gardens |
| | 41 | 36 | 5 | | | | | | 1 Washington | 1 Helping Teacher |
| | | | | | | | | | 1 Adams | |

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Baker (1-12) | | | | | | | | | | |
| Elem. 1-5 | 11 | 10 | 1 | 5 | 5 | 0 | 1 | 6 | 1 Lee<br>1 Hamilton<br>1 Dunbar | 1 Tanner Wms.<br>1 Shaw |
| Sec. 6-12 | 27 | 25 | 2 | | | | | | | |
| Spec. Ed. | 2 | 2 | | | | | | | | |
| | 40 | 37 | 3 | | | | | | | |
| Belsaw | | | | | | | | | | |
| Sec. 6-8 | 9 | 2 | 7 | 0 | 0 | 0 | | 0 | 1 Calcedeaver<br>1 Mt. Vernon | 5 Mt. Vernon<br>2 Bienville<br>3 Lott<br>1 Dodge |
| Bienville | | | | | | | | | | |
| Elem. 1-6 | 17 | 11 | 6 | 4 | | 1 | | 1 | 2 Belsaw<br>1 Whitley | 1 Eanes<br>1 Whitley |
| Blount | | | | | | | | | | |
| Sec. 8-12 | 69 | | 67 | 5 | 1 | 3 | | 2 | 1 Toulminville<br>1 Central<br>1 Lott | 1 Voc.Rehab.<br>1 Rain<br>2 Vigor<br>2 Murphy |
| Spec. Ed. | 1 | 2 | 1 | | | | | | | |
| | 70 | 2 | 68 | | | | | | | |
| Brazier | | | | | | | | | | |
| Elem. 1-6 | 35 | 3 | 32 | 2 | 1 | 1 | | 1 | 1 Chickasaw<br>1 Calcedeaver<br>1 Mt. Vernon | 1 Hollingers Isl.<br>1 Austin<br>1 Wilmer |

| (1) School | (2) No. Teachers Assigned 69-70 | (3) Units: White | (3) Units: Non-White | (4) Vacancies Occurred | (5) Vacancies Filled: White | (5) Vacancies Filled: Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Brookley<br>Elem. 1-5<br>Spec. Ed. | 17<br>1<br>18 | 15<br>15 | 2<br>1<br>3 | 4 | 4 | | | 2 | 1 Owens<br>1 Fonde<br>1 Burroughs | 1 Title I Helping Tea. |
| Burroughs<br>Elem. 1-5<br>Spec. Ed. | 15<br>1<br>16 | 10<br>0<br>10 | 5<br>1<br>6 | 0 | 0 | 0 | | 1 | 2 Davis<br>1 Shepard<br>2 Griggs<br>1 Davis<br>1 Dodge<br>1 Mobile Co. High | 1 Brookley<br>1 Alba<br>1 Griggs<br>2 Davis<br>1 Fonvielle |
| Calcedeaver<br>Elem. 1-6 | 5 | 3 | 2 | 3 | 1 | 0 | | 0 | 1 Austin | 1 Citronelle<br>1 Satsuma<br>1 Belaw<br>1 Adams<br>1 Brazier |
| Caldwell<br>Elem. 1-6<br>Spec. Ed. | 12<br>2<br>14 | 1<br>0<br>1 | 11<br>2<br>13 | 0 | 0 | 0 | | 0 | 1 Mt. Vernon | |
| Carver<br>Sec. 8-7 | 34 | 2 | 32 | 0 | 0 | 0 | | 0 | 1 Alba | 1 Washington<br>1 Craighead |

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Central<br>Sec. 9-12<br>Spec. Ed. | 56<br>2<br>58 | 2<br>0<br>2 | 54<br>2<br>56 | 10 | 1 | 3 | 1 | 4 | 1 Theodore | 1 Blount<br>1 Rain<br>1 Vigor<br>1 Murphy |
| Chickasaw<br>Elem. 1-6 | 15 | 12 | 3 | 3 | 0 | 1 | | 1 | 1 Whitley | 1 Brazier |
| Citronelle<br>Sec. 6-12<br>Spec. Ed. | 46<br>1<br>47 | 30<br>1<br>31 | 16<br>0<br>16 | 4 | 2 | 0 | | 5 | 1 Clark<br>1 Satsuma<br>1 Calcedeaver<br>13 Lott<br>1 Semmes<br>1 Lee | 2 Mt. Vernon<br>10 Lott<br>1 Semmes |
| K. J. Clark<br>Sec. 7-9<br>Spec. Ed. | 47<br>2<br>49 | 43<br>2<br>45 | 4<br>0<br>4 | 9 | 3 | 0 | | 8 | 1 Dunbar | 1 Rain<br>1 Dunbar<br>2 Mobile Co.Trng<br>1 Phillips<br>1 Citronelle<br>1 Scarborough<br>1 Hillsdale<br>1 Eanes |
| Council<br>Elem. 1-5 | 14 | 3 | 11 | 3 | 3 | 0 | | 3 | | 1 Williams<br>1 Tanner Wms.<br>1 Grand Bay |

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School Board Report to the Court Filed November 26, 1969

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 22, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Craighead<br>Sec. 6-7<br>Spec. Ed. | 21<br>3<br>24 | 11<br>2<br>13 | 10<br>1<br>11 | 5 | 3 | 1 | | 2 | 1 Mobile Co. High<br>1 Carver<br>1 St. Elmo | |
| Crichton<br>Elem. 1-6<br>Spec. Ed. | 21<br>2<br>23 | 17<br>2<br>19 | 4<br>4 | 2 | 1 | 0 | | 1 | 1 Emerson | 1 Dickson |
| Davidson<br>Sec. 9-12 | 92 | 85 | 7 | 18 | 12 | 2 | 1 | 14 | 1 Ind. Spra.<br>1 Theodore<br>1 Alba<br>2 Satsuma<br>1 Blount<br>1 Mobile Co. Trng. | |
| Davis<br>Elem. 1-6<br>Spec. Ed. | 22<br>1<br>23 | 19<br>1<br>20 | 3<br>0<br>3 | 3 | 2 | 1 | | 1 | 2 Helping Teachers<br>2 Burroughs | 1 Burroughs |
| A.R. Dickson<br>Elem. 1-6<br>Spec. Ed. | 29<br>1<br>30 | 23<br>23 | 6<br>1<br>7 | 1 | 1 | 0 | 1 | 1 | | 5 Hillsdale<br>1 Crichton<br>1 Howard |
| Dixon<br>Elem. 1-6 | 13 | 8 | 5 | 0 | 0 | 0 | | 1 | 5 Alba<br>1 Westlawn | 4 Alba<br>1 Grand Bay<br>1 Phillips |





School Board Report to the Court Filed November 26, 1969

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Dodge Elem. 1-6 | 22 | 18 | 4 | 4 | 2 | 2 | | 3 | 1 Indian Sprgs.<br>1 Belsaw | 1 Westlawn |
| Dunbar Sec. 7-8<br>Spec. Ed. | 32<br>2<br>34 | 2<br>2 | 30<br>2<br>32 | 3 | 1 | 0 | | 1 | 1 Theodore<br>1 Murphy<br>1 Clark<br>1 Child Guidance | 1 Owens<br>1 Baker |
| Eanes Sec. 7-9<br>Spec. Ed. | 41<br>2<br>43 | 35<br>1<br>36 | 6<br>1<br>7 | 6 | 3 | 2 | | 4 | 1 Clark<br>1 Bienville<br>4 St. Elmo | 1 Mobile Co.Trn<br>1 Theodore |
| Eight Mile(1-8)<br>Elem. 1-5<br>Sec. 6-8 | 13<br>10<br>23 | 9<br>10<br>19 | 4<br>0<br>4 | 2 | 1 | 0 | 1 | 0 | 1 Whitley<br>1 Forest Hill<br>1 Lee | - |
| Emerson Elem. 1-6<br>Spec. Ed. | 15<br>1<br>16 | 1<br>0<br>1 | 14<br>1<br>15 | 2 | 1 | 1 | | 1 | 1 Alba | 1 Whitley<br>1 Alba<br>1 Crichton |
| Evans Spec. Ed. | 14 | 7 | 7 | 4 | 4 | 0 | | 1 | 1 Wilmer<br>1 Satsuma | - |
| Fonde Elem. 1-6 | 20 | 18 | 2 | 4 | 3 | 0 | | 3 | 1 Owens | 1 Brookley |

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Pondella Elem. 1-6 | 35 | 1 | 34 | 0 | 0 | 0 | | 1 | 1 Burroughs | 1 Arlington |
| Spec. Ed. | 3 | 0 | 3 | | | | | | | |
| | 38 | 1 | 37 | | | | | | | |
| Tower Hill Elem. 1-5 | 17 | 15 | 2 | 4 | 3 | 1 | | 2 | 1 Semmes<br>1 Calvert | 1 Phillips |
| Spec. Ed. | 1 | 0 | 1 | | | | | | | |
| | 18 | 15 | 3 | | | | | | | |
| Glendale Elem. 1-6 | 19 | 14 | 5 | 5 | 2 | 3 | | 0 | 1 Grand Bay<br>2 Robbins<br>1 Grant | 1 Whitley |
| Borgne Elem. 1-6 | 34 | 1 | 33 | 0 | 0 | 0 | | 0 | 1 Scarborough | |
| Grand Bay Elem. 1-6 | 23 | 19 | 4 | 6 | 3 | 3 | | 5 | 1 Mobile Co. High<br>2 Dixon<br>1 Council | 1 Glendale<br>1 Mobile Co.Hi. |
| Alba Grant Elem. 1-5 | 37 | 3 | 34 | 1 | 1 | 0 | | 2 | 1 Alba<br>1 Toulminville | 1 Leinkauf<br>1 Glendale |
| Spec. Ed. | 3 | 0 | 3 | | | | | | | |
| | 40 | 3 | 37 | | | | | | | |
| Bridger Elem. 1-6 | 27 | 22 | 5 | 6 | 1 | 3 | | 2 | 1 Burroughs<br>2 Dawes Union | 1 Mobile Co.High<br>2 Burroughs |

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Hall Elem. 1-6 Spec. Ed. | 20<br>1<br>21 | 2<br>0<br>2 | 18<br>1<br>19 | 2 | 1 | 1 | | 1 | 1 Morningside | 1 Maryvale |
| Hamilton Elem. 1-6 | 18 | 15 | 3 | 1 | 0 | 1 | 1 | 2 | 1 Owens | 1 Baker<br>1 Title I Helping Tea. |
| Hillsdale Sec. 6-8 Spec. Ed. | 26<br>1<br>27 | 15<br>0<br>15 | 11<br>1<br>12 | 2 | 1 | 0 | | 3 | 1 Murphy<br>4 Scarborough<br>1 Azalea Road<br>1 K.J. Clark<br>1 Davidson<br>1 Alba<br>1 Prichard | 3 Orchard<br>5 Will<br>3 Dickson<br>1 Prichard |
| Hollingers Island Elem. 1-6 | 11 | 10 | 1 | 3 | 1 | 1 | 1 | 2 | | 1 Helping Tea.<br>3 St. Elmo |
| Howard Elem. 1-6 | 15 | 1 | 14 | 1 | 0 | 0 | | 0 | - | 1 Hollingers Isl.<br>1 Dickson |
| Indian Springs Elem. 1-6 | 16 | 14 | 2 | 3 | 3 | 0 | | 4 | 1 Semmes | 1 Dodge<br>1 Davidson |

| School | No. Teachers Assigned 69-70 | White | Non-White | Vacancies Occurred | Vacancies Filled White | Vacancies Filled Non-White | Present Vacancies | No. New Teachers | No. Transfers From... | No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Elem. 1-5 | 19 | 17 | 2 | 5 | 2 | 0 | | 3 | - | 3 Adams<br>1 Eight Mile<br>1 Shaw<br>1 Baker |
| Leinkauf<br>Elem. 1-6 | 13 | 9 | 4 | 2 | 1 | 1 | | 1 | 1 Grant | - |
| Rose Lott<br>Elem. 1-5<br>Spec. Ed. | 18<br>2<br>20 | 12<br>-<br>12 | 6<br>2<br>8 | 3 | 1 | | | 0 | 12 Citronelle<br>1 Belsaw<br>1 Mt. Vernon | 13 Citronelle<br>1 Murphy<br>1 Trinity Gdns.<br>1 Blount |
| Maryvale<br>Elem. 1-6<br>Spec. Ed. | 18<br>2<br>20 | 15<br>0<br>15 | 3<br>2<br>5 | 3 | 2 | 1 | | 1 | 1 Hall<br>1 Old Shell | - |
| ter<br>Elem. 1-6 | 14 | 12 | 2 | 1 | 0 | 0 | | 0 | - | - |
| Mobile County High<br>Sec. 7-12 | 30 | 24 | 6 | 3 | 2 | 1 | 2 | 8 | 1 Grand Bay<br>1 Theodore<br>2 St. Elmo<br>1 Burroughs | 1 Craighead<br>1 Hillsdale<br>1 GrandBay<br>1 Murphy |

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Mobile County Trng.<br>Sec. 6-12<br>Spec. Ed. | 50<br>2<br>52 | 6<br>0<br>6 | 44<br>2<br>46 | 3 | 3 | 0 | | 1 | 1 Eanes<br>2 Clark<br>1 Vigor<br>1 Adams<br>6 Whitley | 1 Davidson<br>1 Shaw<br>1 Satsuma |
| Montgomery<br>Sec. 9-12 | 31 | 28 | 3 | 5 | 4 | 0 | 1 | 4 | 1 Semmes<br>1 Dunbar<br>1 Washington | 1 Murphy |
| Morningside<br>Elem. 1-5 | 23 | 22 | 1 | 4 | 3 | 0 | | 4 | 1 Westlawn | 1 Hall |
| Mt. Vernon<br>Elem. 1-5 | 13 | 8 | 5 | 0 | 0 | 0 | | 1 | 2 Citronelle<br>1 Saraland<br>5 Belsaw<br>1 Caldwell | 1 Brazier<br>1 Belsaw |
| Murphy High<br>Sec. 9-12<br>Spec. Ed. | 110<br>3<br>113 | 100<br>2<br>102 | 10<br>1<br>11 | 12 | 8 | 2 | | 8 | 1 Dunbar<br>1 Theodore<br>2 Blount<br>1 Lott<br>1 Montgomery<br>1 Semmes<br>1 Central<br>1 St. Elmo<br>1 Washington<br>1 Mobile Co. High<br>1 Williamson<br>1 Trinity Gardens | 1 Dunbar<br>1 Principal - Calcedeaver<br>1 Washington<br>1 Title I Helping Tea.<br>1 Hillsdale |

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (8) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Old Shell Road Elem. 1-6 | 11 | 9 | 2 | 0 | 0 | 0 | 0 | 0 | - | 1 Maryvale |
| Orchard Elem. 1-5 | 26 | 21 | 5 | 2 | 2 | 0 | - | 2 | 3 Hillsdale<br>1 Lee | 1 A.Prin.-Adams |
| Owens<br>Elem. 1-6<br>Spec. Ed. | 34<br>2<br>36 | 2<br>2 | 32<br>2<br>34 | 3 | 0 | 0 | - | 2 | - | 1 Fonde<br>1 Hamilton<br>1 Brookley<br>1 Williams<br>1 Semmes |
| Palter<br>Elem. 1-5<br>Spec. Ed. | 21<br>1<br>22 | 2<br>2 | 19<br>1<br>20 | 2 | 0 | 0 | - | 1 | 1 Glendale | - |
| Phillips<br>Sec. 7-8<br>Spec. Ed. | 34<br>2<br>36 | 32<br>1<br>33 | 2<br>1<br>3 | 8 | 5 | 0 | 1 | 3 | 2 Rain<br>1 Clark<br>1 Dixon<br>1 Forest Hill | 1 Woodcock |
| Richard<br>Sec. 6-9<br>Elem. Ed. | 20<br>1<br>21 | 16<br>1<br>17 | 4<br>0<br>4 | 1 | 1 | 0 | 1 | 1 | 1 Hillsdale<br>2 Adams | 1 Hillsdale<br>1 Bienville |

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| B. C. Rain Sec. 7-12 | 54 | 46 | 8 | 13 | 9 | 3 | 2 | 16 | 1 Clark<br>2 Scarborough<br>1 Central<br>1 Blount<br>1 Adams<br>1 Murphy<br>1 Montgomery<br>1 Vigor | 2 Phillips<br>1 Williamson |
| Spec. Ed. | 2 | 2 | 0 | | | | | | | |
| | 56 | 48 | 8 | | | | | | | |
| obins Elem. 1-5 | 24 | 2 | 22 | 0 | | | 1 | 2 | - | 1 Shepard<br>2 Glendale |
| Saraland Elem. 1-5 | 21 | 19 | 2 | 3 | 1 | - | - | 1 | - | 1 Adams<br>1 Mt. Vernon |
| Satsuma Sec. 8-12 | 52 | 41 | 9 | 6 | 3 | 3 | - | 8 | 7 Adams<br>1 Calcedeaver<br>1 Mobile Co.Trng. | 1 Helping Tea.<br>6 Adams<br>2 Davidson<br>1 Evans<br>1 Citronelle |
| Spec. Ed. | 2 | 0 | 2 | | | | | | | |
| | 54 | 43 | 11 | | | | | | | |
| Scarborough Sec. 6-8 | 29 | 27 | 2 | 6 | 3 | 0 | | 4 | - | 4 Hillsdale<br>1 Stanton Road<br>1 Rain<br>1 Title I Helping Tea. |

538a

School Board Report to the Court Filed November 26, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| [illegible] (1-8) | | | | | | | | | 1 Citronelle | 1 Montgomery |
| Elem. 1-5 | 11 | 9 | 2 | 5 | 5 | 0 | - | 6 | 1 Tanner Wms. | 1 Forest Hill |
| Sec. 6-8 | 25 | 23 | 2 | | | | | | 1 Stanton Road | 1 Scarborough |
| Spec. Ed. | 2 | 1 | 1 | | | | | | 1 Owens | 1 Citronelle |
| | 38 | 33 | 5 | | | | | | | 1 Murphy |
| | | | | | | | | | | 1 Azalea Road |
| | | | | | | | | | | 1 Indian Spring |
| Shaw | | | | | | | | | | |
| Sec. 9-12 | 57 | 51 | 6 | 14 | 10 | 2 | - | 11 | 1 Baker | 1 Vigor |
| | | | | | | | | | 1 Lee | |
| | | | | | | | | | 1 Toulminville | |
| | | | | | | | | | 1 Williamson | |
| | | | | | | | | | 1 St. Elmo | |
| | | | | | | | | | 1 Murphy | |
| | | | | | | | | | 1 Scarborough | |
| | | | | | | | | | 1 Mobile Co. Trng | |
| | | | | | | | | | 1 Hillsdale | |
| Shepard | | | | | | | | | | |
| Elem. 1-6 | 14 | 12 | 2 | 2 | 1 | 0 | - | 0 | 1 Robbins | 1 Burroughs |
| | | | | | | | | | 1 Dawes-Union | |
| Stanton Road | | | | | | | | | | |
| Elem. 1-6 | 30 | 2 | 28 | 4 | 0 | 1 | - | 1 | 1 Scarborough | 1 Eight Mile |
| | | | | | | | | | | 1 Semmes |
| St. Elmo | | | | | | | | | | |
| Sec. 7-8 | 19 | 10 | 9 | 4 | 2 | 0 | 1 | 5 | 4 Hollingers Isl. | 1 Murphy |
| | | | | | | | | | | 3 Theodore |
| | | | | | | | | | | 3 Alba |
| | | | | | | | | | | 1 Vigor |
| | | | | | | | | | | 1 Shaw |
| | | | | | | | | | | 2 Mobile Co.High |
| | | | | | | | | | | 4 Eanes |
| | | | | | | | | | | 1 Craighead |
| | | | | | | | | | | 2 Azalea Road |

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Tanner Williams Elem. 1-6 | 9 | 6 | 3 | 1 | 0 | 0 | 2 | 0 | 1 Chickasaw<br>1 Council | 1 Semmes |
| Theodore Sec. 7-12 | 66 | 61 | 5 | 12 | 7 | 1 | 1 | 14 | 2 Eanes<br>3 St. Elmo<br>1 Satsuma | 1 Trinity Gdns.<br>1 Dunbar<br>1 Toulminville<br>1 Mobile Co.High<br>1 Baker<br>1 Murphy<br>1 Davidson<br>1 Central |
| Spec. Ed. | 2 | 1 | 1 | | | | | | | |
| | 68 | 62 | 6 | | | | | | | |
| Thomas Elem. 1-6 | 10 | 7 | 3 | 0 | 0 | 0 | - | 0 | - | - |
| Toulminville Sec. 10-12 | 42 | 6 | 36 | 3 | 3 | 0 | 1 | 4 | 1 Theodore<br>1 Vigor<br>1 Williamson | 1 Vigor<br>1 Blount<br>1 Shaw<br>1 Grant |
| Spec. Ed. | 1 | 0 | 1 | | | | | | | |
| | 43 | 6 | 37 | | | | | | | |
| Trinity Gardens Sec. 7-12 | 42 | 4 | 38 | 6 | 0 | 4 | - | 4 | 2 Vigor<br>1 Azalea Road<br>1 Lott<br>1 Theodore | 2 Vigor<br>1 Murphy |
| Spec. Ed. | 1 | 1 | 0 | | | | | | | |
| | 43 | 5 | 38 | | | | | | | |

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Prefer. Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| Vigor Sec. 10-12 | 71 | 60 | 11 | 9 | 5 | 4 | - | 6 | 1 Shaw<br>1 Child Guidance<br>2 Trinity Gdns.<br>1 St. Elmo<br>1 Toulminville<br>2 Blount<br>1 Central<br>1 Washington | 2 Trinity Gdns.<br>1 A.Princ.Baker<br>1 Mobile Co.Trn.<br>1 Eanes<br>1 A.Principal Davidson<br>1 Toulminville |
| Spec. Ed. | 2 | 2 | 0 | | | | | | | |
| | 73 | 62 | 11 | | | | | | | |
| [illegible] (Adults) | 3 | 3 | 0 | 0 | 0 | 0 | - | 0 | - | - |
| Washington Sec. 7-9 | 53 | 3 | 50 | 3 | 1 | 0 | 0 | 3 | 1 Murphy<br>1 Carver | 1 Vigor<br>1 Murphy<br>1 Azalea Road |
| Spec. Ed. | 1 | 0 | 1 | | | | | | | |
| | 54 | 3 | 51 | | | | | | | |
| Whistler Elem. 1-6 | 16 | 13 | 3 | 3 | 2 | 0 | | 1 | 1 Dodge<br>1 Lott | 1 Morningside<br>1 Dixon |
| Whistler Sec. 1-6 | 13 | 11 | 2 | 2 | 0 | 1 | - | 1 | - | 1 Adams |
| Spec. Ed. | 5 | 2 | 3 | | | | | | | |
| | 18 | 13 | 5 | | | | | | | |
| Wicley Elem. 1-5 | 12 | 4 | 8 | 0 | 0 | 0 | - | 2 | 1 Glendale<br>1 Emerson | 1 Chickasaw<br>1 Bienville<br>5 Mobile Co.Trng<br>1 Eight Mile |
| Spec. Ed. | 1 | 0 | 1 | | | | | | | |
| | 13 | 4 | 9 | | | | | | | |

SUMMARY OF TEACHER ASSIGNMENTS AND VACANCIES -- MOBILE COUNTY PUBLIC SCHOOLS - 1969-70 - AS OF SEPTEMBER 24, 1969

| (1) School | (2) No. Teachers Assigned 69-70 | (3) White | (3) Non-White | (4) Vacancies Occurred | (5) Vacancies Filled White | (5) Vacancies Filled Non-White | (6) Present Vacancies | (7) No. New Teachers | (8) No. Transfers From... | (9) No. Transfers To... |
|---|---|---|---|---|---|---|---|---|---|---|
| John Will Elem. 1-5 | 24 | 17 | 7 | 0 | 0 | 0 | 1 | 0 | 5 Hilledale | 1 Title I Helping Tea. |
| Adelia Williams Elem. 1-6 | 14 | 12 | 2 | 3 | 3 | 0 | 3 | 2 | 1 Council<br>1 Owens | - |
| Williamson<br>Sec. 8-12<br>Spec. Ed. | 42<br>1<br>43 | 3<br>1<br>4 | 39<br>0<br>39 | 5 | 1 | 2 | - | 4 | 1 Rain<br>1 Adams | 1 Murphy<br>1 Shaw<br>1 Toulminville |
| Vilmer<br>Elem. 1-6<br>Spec. Ed. | 12<br>1<br>13 | 8<br>1<br>9 | 4<br>0<br>4 | 2 | 1 | 1 | - | 2 | 1 Owens<br>1 Brazier | 1 Evans |
| Woodcock<br>Elem. 1-6<br>Spec. Ed. | 11<br>1<br>12 | 8<br>0<br>8 | 3<br>1<br>4 | 3 | 0 | 1 | - | 0 | 1 Phillips | 1 Arlington |
| Child Guidance<br>Spec. Ed. | 17 | 15 | 2 | 3 | 2 | 1 | - | 10 | - | 1 Vigor<br>1 Dunbar |

**Opinion of Court of Appeals of December 1, 1969**

No. 26285

DEREK JEROME SINGLETON, *et al.*,

*Appellants,*

—v.—

JACKSON MUNICIPAL SEPARATE SCHOOL DISTRICT, *et al.*,

*Appellees.*

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI

No. 28349

BIRDIE MAE DAVIS, *et al.*,

*Plaintiffs-Appellants,*

UNITED STATES OF AMERICA,

*Plaintiff-Intervenor,*

—v.—

BOARD OF SCHOOL COMMISSIONERS OF
MOBILE COUNTY, *et al.*,

*Defendants-Appellees,*

TWILA FRAZIER, *et al.*,

*Defendants-Intervenor-Appellees.*

APPEAL FROM THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ALABAMA

[and other cases]

*Opinion of Court of Appeals of December 1, 1969*

Before:

BROWN, *Chief Judge,*
WISDOM, GEWIN, BELL, THORNBERRY, COLEMAN, GOLDBERG, AINSWORTH, GODBOLD, DYER, SIMPSON, MORGAN, CARSWELL, and CLARK, *Circuit Judges, en banc.**

PER CURIAM: These appeals, all involving school desegregation orders, are consolidated for opinion purposes. They involve, in the main, common questions of law and fact. They were heard *en banc* on successive days.

Following our determination to consider these cases *en banc,* the Supreme Court handed down its decision in *Alexander* v. *Holmes County Board of Education,* 1969, —— U.S. ——, 90 S.Ct. ——, 24 L.ed.2d 19. That decision supervened all existing authority to the contrary. It sent the doctrine of deliberate speed to its final resting place. 24 L.ed.2d at p. 21.

The rule of the case is to be found in the direction to this court to issue its order "effective immediately declaring that each of the school districts . . . may no longer operate a dual school system based on race or color, and directing that they begin immediately to operate as unitary school systems within which no person is to be effectively excluded from any school because of race or color." We effectuated this rule and order in *United States* v. *Hinds County School Board,* 5 Cir., 1969, —— F.2d ——, [Nos. 28,030 and 28,042, slip opinion dated Nov. 7, 1969]. It must likewise be effectuated in these and all other school

* Judge Wisdom did not participate in Nos. 26285, 28261, 28045, 28350, 28349 and 28361. Judge Ainsworth did not participate in No. 28342. Judge Carswell did not participate in Nos. 27863 and 27983. Judge Clark did not participate in No. 26285.

cases now being or which are to be considered in this or the district courts of this circuit.

The tenor of the decision in *Alexander* v. *Holmes County* is to shift the burden from the standpoint of time for converting to unitary school systems. The shift is from a status of litigation to one of unitary operation pending litigation. The new modus operandi is to require immediate operation as unitary systems. Suggested modifications to unitary plans are not to delay implementation. Hearings on requested changes in unitary operating plans may be in order but no delay in conversion may ensue because of the need for modification or hearing.

In *Alexander* v. *Holmes County,* the court had unitary plans available for each of the school districts. In addition, this court, on remand, gave each district a limited time within which to offer its own plan. It was apparent there, as it is here, that converting to a unitary system involved basically the merger of faculty and staff students, transportation, services, athletic and other extra-curricular school activities. We required that the conversion to unitary systems in those districts take place not later than December 31, 1969. It was the earliest feasible date in the view of the court. *United States* v. *Hinds County, supra.* In three of the systems there (Hinds County, Holmes County and Meridian), because of particular logistical difficulties, the Office of Education (HEW) had recommended two step plans. The result was, and the court ordered, that the first step be implemented not later than December 31, 1969 and the other beginning with the fall 1970 school term.

I

Because of *Alexander* v. *Holmes County*, each of the cases here, as will be later discussed, must be considered anew, either in whole or in part, by the district courts. It happens that there are extant unitary plans for some of the school districts here, either Office of Education or school board originated. Some are operating under freedom of choice plans. In no one of the districts has a plan been submitted in light of the precedent of *Alexander* v. *Holmes County*. That case resolves all questions except as to mechanics. The school districts here may no longer operate dual systems and must begin immediately to operate as unitary systems. The focus of the mechanics question is on the accomplishment of the immediacy requirement laid down in *Alexander* v. *Holmes County*.

Despite the absence of plans, it will be possible to merge faculties and staff, transportation, services, athletics and other extra-curricular activities during the present school term. It will be difficult to arrange the merger of student bodies into unitary systems prior to the fall 1970 term in the absence of the merger plans. The court has concluded that two-step plans are to be implemented. One step must be accomplished not later than February 1, 1970 and it will include all steps necessary to conversion to a unitary system save the merger of student bodies into unitary systems. The student body merger will constitute the second step and must be accomplished not later than the beginning of the fall term 1970.[1] The district courts,

[1] Many faculty and staff members will be transferred under step one. It will be necessary for final grades to be entered and for other records to be completed, prior to the transfers, by the trans-

in the respective cases here, are directed to so order and to give first priority to effectuating this requirement.

To this end, the district courts are directed to require the respective school districts, appellees herein, to request the Office of Education (HEW) to prepare plans for the merger of the student bodies into unitary systems. These plans shall be filed with the district courts not later than January 6, 1970 together with such additional plan or modification of the Office of Education plan as the school district may wish to offer. The district court shall enter its final order not later than February 1, 1970 requiring and setting out the details of a plan designed to accomplish a unitary system of pupil attendance with the start of the fall 1970 school term. Such order may include a plan designed by the district court in the absence of the submission of an otherwise satisfactory plan. A copy of such plan as is approved shall be filed by the clerk of the district court with the clerk of this court.[2]

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ferring faculty members and administrators for the partial school year involved. The interim period prior to February 1, 1970 is allowed for this purpose.

The interim period prior to the start of the fall 1970 school term is allowed for arranging the student transfers. Many students must transfer. Buildings will be put to new use. In some instances it may be necessary to transfer equipment, supplies or libraries. School bus routes must be reconstituted. The period allowed is at least adequate for the orderly accomplishment of the task.

[2] In formulating plans, nothing herein is intended to prevent the respective school districts or the district court from seeking the counsel and assistance of state departments of education, university schools of education or of others having expertise in the field of education.

It is also to be noted that many problems of a local nature are likely to arise in converting to and maintaining unitary systems.

The following provisions are being required as step one in the conversion process. The district courts are directed to make them a part of the orders to be entered and to also give first priority to implementation.

The respective school districts, appellees herein, must take the following action not later than February 1, 1970:

DESEGREGATION OF FACULTY AND OTHER STAFF

The School Board shall announce and implement the following policies:

1. Effective not later than February 1, 1970, the principals, teachers, teacher-aides and other staff who work directly with children at a school shall be so assigned that in no case will the racial composition of a staff indicate that a school is intended for Negro students or white students. For the remainder of the 1969-70 school year the district shall assign the staff described above so that the ratio of Negro to white teachers in each school, and the ratio of other staff in each, are substantially the same as each such ratio is to the teachers and other staff, respectively, in the entire school system.

The school district shall, to the extent necessary to carry out this desegregation plan, direct members of its staff as a condition of continued employment to accept new assignments.

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These problems may best be resolved on the community level. The district courts should suggest the advisability of bi-racial advisory committees to school boards in those districts having no Negro school board members.

2. Staff members who work directly with children, and professional staff who work on the administrative level will be hired, assigned, promoted, paid, demoted, dismissed, and otherwise treated without regard to race, color, or national origin.

3. If there is to be a reduction in the number of principals, teachers, teacher-aides, or other professional staff employed by the school district which will result in a dismissal or demotion of any such staff members, the staff member to be dismissed or demoted must be selected on the basis of objective and reasonable non-discriminatory standards from among all the staff of the school district. In addition if there is any such dismissal or demotion, no staff vacancy may be filled through recruitment of a person of a race, color, or national origin different from that of the individual dismissed or demoted, until each displaced staff member who is qualified has had an opportunity to fill the vacancy and has failed to accept an offer to do so.

Prior to such a reduction, the school board will develop or require the development of non-racial objective criteria to be used in selecting the staff member who is to be dismissed or demoted. These criteria shall be available for public inspection and shall be retained by the school district. The school district also shall record and preserve the evaluation of staff members under the criteria. Such evaluation shall be made available upon request to the dismissed or demoted employee.

"Demotion" as used above includes any reassignment (1) under which the staff member receives less

pay or has less responsibility than under the assignment he held previously, (2) which requires a lesser degree of skill than did the assignment he held previously, or (3) under which the staff member is asked to teach a subject or grade other than one for which he is certified or for which he has had substantial experience within a reasonably current period. In general and depending upon the subject matter involved, five years is such a reasonable period.

### Majority to Minority Transfer Policy

The school district shall permit a student attending a school in which his race is in the majority to choose to attend another school, where space is available, and where his race is in the minority.

### Transportation

The transportation system, in those school districts having transportation systems, shall be completely reexamined regularly by the superintendent, his staff, and the school board. Bus routes and the assignment of students to buses will be designed to insure the transportation of all eligible pupils on a non-segregated and otherwise non-discriminatory basis.

### School Construction and Site Selection

All school construction, school consolidation, and site selection (including the location of any temporary classrooms) in the system shall be done in a manner which will prevent the recurrence of the dual school structure once this desegregation plan is implemented.

ATTENDANCE OUTSIDE SYSTEM OF RESIDENCE

If the school district grants transfers to students living in the district for their attendance at public schools outside the district, or if it permits transfers into the district of students who live outside the district, it shall do so on a non-discriminatory basis, except that it shall not consent to transfers where the cumulative effect will reduce desegregation in either district or reinforce the dual school system.

See *United States* v. *Hinds County, supra,* decided November 6, 1969. The orders there embrace these same requirements.

II

In addition to the foregoing requirements of general applicability, the order of the court which is peculiar to each of the specific cases being considered is as follows:

• • • • •

No. 28349—MOBILE COUNTY, ALABAMA

On June 3, 1969, we held that the attendance zone and freedom of choice method of student assignment used by the Mobile School Commissioners was constitutionally unacceptable. Pursuant to our mandate the district court requested the Office of Education (HEW) to collaborate with the board in the preparation of a plan to fully desegregate all public schools in Mobile County. Having failed to reach agreement with the board, the Office of Education filed its plan which the district court on August 1, 1969, adopted with slight modification (but which did not reduce the

amount of desegregation which will result). The court's order directs the board for the 1969-1970 school year to close two rural schools, establish attendance zones for the 25 other rural schools, make assignments based on those zones, restructure the Hillsdale School, assign all students in the western portion of the metropolitan area according to geographic attendance zones designed to desegregate all the schools in that part of the system, and reassign approximately 1,000 teachers and staff. Thus the district court's order of August 1, now before us on appeal by the plaintiffs, will fully desegregate all of Mobile County schools except the schools in the eastern portion of metropolitan Mobile where it was proposed by the plan to transport students to the western part of the city. The district court was not satisfied with this latter provision and required the board after further study and collaboration with HEW officials, to submit by December 1, 1969, a plan for the desegregation of the schools in the eastern part of the metropolitan area.

The school board urges reversal of the district court's order dealing with the grade organization of the Hillsdale School and the faculty provisions.

We affirm the order of the district court with directions to desegregate the eastern part of the metropolitan area of the Mobile County School System and to otherwise create a unitary system in compliance with the requirements of *Holmes County* and in accordance with the other provisions and conditions of this order.

• • • • •

III

In the event of an appeal or appeals to this court from an order entered as aforesaid in the district courts, such appeal shall be on the original record and the parties are encouraged to appeal on an agreed statement as is provided for in Rule 10(d), Federal Rules of Appellate Procedure (FRAP). Pursuant to Rule 2, FRAP, the provisions of Rule 4(a) as to the time for filing notice of appeal are suspended and it is ordered that any notice of appeal be filed within fifteen days of the date of entry of the order appealed from and notices of cross-appeal within five days thereafter. The provisions of Rule 11 are suspended and it is ordered that the record be transmitted to this court within fifteen days after filing of the notice of appeal. The provisions of Rule 31 are suspended to the extent that the brief of the appellant shall be filed within fifteen days after the date on which the record is filed and the brief of the appellee shall be filed within ten days after the date on which the brief of appellant is filed. No reply brief shall be filed except upon order of the court. The times set herein may be enlarged by the court upon good cause shown.

The mandate in each of the within matters shall issue forthwith. No stay will be granted pending petition for rehearing or application for certiorari.

REVERSED as to all save Mobile and St. John The Baptist Parish; AFFIRMED as to Mobile with direction; AFFIRMED in part and REVERSED in part as to St. John The Baptist Parish; REMANDED to the district courts for further proceedings consistent herewith.

**Second HEW Report Filed December 1, 1969**

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Regional Office

Room 526—Mail Room 404
50 Seventh Street, N.E.

December 1, 1969

Honorable Daniel H. Thomas
District Judge, U. S. District Court
for the Southern District of Alabama
Mobile, Alabama 36601

Dear Judge Thomas:

Enclosed please find six (6) copies of four (4) plans formulated by the U. S. Office of Education, Department of Health, Education, and Welfare, regarding the operation of schools in Metropolitan Mobile County Schools.

Sincerely,

ERNEST E. BUNCH
Ernest E. Bunch
Acting Senior Program Officer
Equal Educational Opportunities

*Second HEW Report Filed December 1, 1969*

# A DESEGREGATION PLAN FOR THE MOBILE COUNTY SCHOOL SYSTEM

## A REPORT TO THE SUPERINTENDENT

By the

DIVISION OF EQUAL EDUCATIONAL OPPORTUNITIES
U. S. OFFICE OF EDUCATION
Atlanta, Georgia 30323

*Second HEW Report Filed December 1, 1969*

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
Regional Office

Room 526—Mail Room 404
50 Seventh Street, N.E.

December 1, 1969

Dr. Cranford H. Burns, Superintendent
Board of School Commissioners of Mobile County
Box 1327
Mobile, Alabama 36601

Dear Dr. Burns:

Enclosed are four (4) copies of four (4) plans referring to schools in the Metropolitan area of Mobile, Alabama.

Your attention is elicited for the purposes of review and action in terms of accomplishing the mandates of the Courts regarding the establishment of "just schools" for the pupil populations within your school district.

Each plan is self explanatory and flexible in terms of more precise sophistication that will achieve the objectives of the Court Orders.

Sincerely,

ERNEST E. BUNCH
Ernest E. Bunch
Acting Senior Program Officer
Equal Educational Opportunities

*Second HEW Report Filed December 1, 1969*

TABLE OF CONTENTS

RECOMMENDED PLANS FOR DESEGREGATION

PLAN A

PLAN B

PLAN B—ALTERNATIVE

PLAN B—I—ALTERNATIVE

*Second HEW Report Filed December 1, 1969*

MOBILE COUNTY, ALABAMA
METROPOLITAN SCHOOLS

The following plans regarding the educational system of Metropolitan Mobile is exhibited as approaches to solutions to problems occasioned by or incident to the desegregation of these schools.

In the main there are four plans presented. Each of these plans differ in substance or degree, and in many instances in both substance and degree. However, all of the plans are based upon educational concepts promulgated either recently or not so recently.

For purposes of identification the plans contained in this report are exhibited as follows:

Plan A

Plan B

Plan B—Alternative

Plan B—I—Alternative

These plans are presented for the most part in statistical exhibit that may be utilized for comparative purposes. Each plan uses the major variables necessary for this type analysis, i.e., Name of school, grades, capacity of schools, student population in a given school(s). The statistics used in all four (4) of the plans are based in the main on the Department of Health, Education, and Welfare's Report to the Superintendent of Mobile County's Schools, July, 1968. Consequently, these statistics may or may not agree with current figures of the Board of Education. However, they may be considered as relative close approximates that could be used as a guide for a more precise sophistication in this vein.

*Second HEW Report Filed December 1, 1969*

## PLAN A

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MOBILE COUNTY, ALABAMA

PLAN A

*Elementary, Senior High, and Junior High-Middle Schools*

This plan shows all existing school buildings of record, the grade structure within each school, the permanent capacity, and where available, the capacity with the use of portables, student breakdown, by race, and the number of portable units located at each school site.

*Second HEW Report Filed December 1, 1969*

(See opposite) ☞

DATE: _____

3-B

-A-

Elementary Schools (1)

| Name of School | Grades | Capacity Perm. | Capacity V. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| South Brackley | 1-6 | 442 | | 514 | 72 | 586 | | | | 5 Portables |
| Miamingside | 1-6 | 578 | | 756 | 0 | 756 | | | | 6 Portables |
| Williams | 1-6 | 408 612 | | 513 | 43 | 556 | | | | 5 Portables |
| Maryvale | 1-6 | | | 588 | 30 | 618 | | | | 2 Portables |
| NERTA | 1-6 | 510 | | 482 | 0 | 482 | | | | |
| Westlawn | 1-6 | 510 | | 575 | 0 | 575 | | | | 3 Portables |
| Woodcock | 1-6 | 612 | | 380 | 80 | 460 | | | | |
| Hall | 1-6 | 1224 | | 3 | 701 | 704 | | | | |
| Arlington | 1-5 | 476 | | 384 | 153 | 537 | | | | 2 Portables |
| Council | 1-5 | 578 | | 0 | 560 | 560 | | | | |
| Emerson | 1-6 | 442 | | 3 | 518 | 521 | | | | 4 Portables |
| Heinkauf | 1-6 | 442 | | 323 | 125 | 449 | | | | |
| Owens | 1-6 | 1406 | | 0 | 1254 | 1254 | | | | |
| Caldwell | 1-6 | 578 | | 1 | 401 | 402 | | | | |

COMPOSITE BUILDING INFORMATION FORM

DATE:

A

Elementary (Contd)[2]

| Name of School | Grades | Capacity Perm. | Capacity P. Ports. | Students W | Students N | Students T | Staff U | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Howard | 1-6 | 408 | | 0 | 465 | 465 | | | | 3 Portables |
| Old Shell Road | 1-6 | 476 | | 282 | 130 | 412 | | | | |
| Crichton | 1-6 | 782 | | 520 | 253 | 773 | | | | 1 Portable |
| Stanton Road | 1-6 | 1020 | | 3 | 1077 | 1086 | | | | 3 Portables |
| Fonvielle | 1-6 | 1190 | | 0 | 1191 | 1191 | | | | 2 Portables |
| Gongas | 1-6 | 884 | | 1 | 1138 | 1139 | | | | 8 Portables |
| Palmer | 1-5 | 578 | | 52 | 688 | 740 | | | | 6 Portables |
| Glendale | 1-6 | 680 | | 549 | 172 | 721 | | | | 1 Portable |
| Whitley | 1-5 | 617 | | 0 | 421 | 421 | | | | 1 Portabl |
| Brazier | 1-6 | 1156 | | 0 | 1197 | 1197 | | | | 1 Portable |
| Grant | 1-5 | 1297 | | 3 | 1301 | 1303 | | | | 3 Portables |
| Robbins | 1-5 | 856 | | 2 | 805 | 807 | | | | |
| Bienville | 1-6 | 612 | | 996 | 5[illegible] | 6[illegible] | | | | 1 Portable |

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COMPOSITE BUILDING INFORMATION FORM

Date:

- A -

Elementary (Cont'd.)[3]

| Name of School | Grades | Capacity Perm. | Capacity V. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Chickasaw | 1-6 | 612 | | 0 | 563 | 563 | | | | |
| Shepard | 1-6 | 544 | | 453 | 43 | 496 | | | | |
| Dodge | 1-6 | 816 | | 678 | 54 | 732 | | | | |
| Fonde | 1-6 | 850 | | 715 | 11 | 726 | | | | |
| Austin | 1-6 | 408 | | 391 | 22 | 413 | | | | |
| Dickson | 1-6 | 816 | | 772 | 1 | 773 | | | | |
| Hillsdale | 1-6 | 510 | | 0 | 586 | 586 | | | | 4 Portables |
| Orchard | 1-5 | 816 | | 750 | 2 | 761 | | | | |
| Will | 1-5 | 816 | | 678 | 0 | 678 | | | | |
| Forest Hill | 1-5 | 578 | | 604 | 0 | 604 | | | | 1 Portable |
| Whistler | 1-6 | 650 | | 251 | 247 | 498 | | | | |
| Thomas | 1-6 | 272 | | 210 | 114 | 324 | | | | 3 Portables |
| Indian Springs | 1-6 | 408 | | 535 | 11 | 546 | | | | V Portables |
| Eight Mile | 1-6 | 340 | | 344 | 78 | 422 | | | | |
| Totals: | | 78560 | | W 586 | N 256 | 28,142 | | | | |

COMPOSITE BUILDING INFORMATION FORM

-A-

DATE:

Jr. high - Middle Schools

| Name of School | Grades | Capacity Perm. | Capacity No. Portables | Students W | Students B | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Rain | 7-8 | 476 | | 415 | 38 | 453 | | | | 1 |
| Eanes | 7-9 | 1148 | | 982 | 57 | 1039 | | | | |
| Craighead | 6-7 | 728 | | 153 | 394 | 547 | | | | |
| Phillips | 7-8 | 980 | | 838 | 113 | 951 | | | | |
| Dunbar | 7-8 | 1064 | | 5 | 928 | 933 | | | | |
| Washington | 7-9 | 1015 | | 0 | 1493 | 1493 | | | | 15 Portables |
| Mobile County Jr. | 6-8 | 560 | | 0 | 568 | 568 | | | | 4 Portables |
| Richard | 6-9 | 616 | | 387 | 163 | 550 | | | | |
| Career | 6-7 | 784 | | 0 | 881 | 881 | | | | 4 Portables |
| Trinity Gardens | 7-8 | 392 | | 0 | 420 | 420 | | | | 7 Portables |
| Clark | 7-9 | 1392 | | 1317 | 239 | 1556 | | | | |
| Azalea Road | 7-8 | 1015 | | 1044 | 40 | 1084 | | | | 5 Portables |
| Hillsdale | 7-9 | 336 | | 0 | 225 | 225 | | | | |
| Scarborough | 6-8 | 928 | | 1042 | 1 | 1040 | | | | |
| Eight Mile | 7-8 | 252 | | 204 | 30 | 234 | | | | |

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DATE: _____

A

Sr. High Schools

| Name of School | Grades | Capacity Perm. | Capacity T. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Rain | 9-12 | 748 | | 760 | 49 | 809 | | | | 0 |
| Williamson | 8-12 | 1334 | | 3 | 1131 | 1134 | | | | |
| Murphy | 9-12 | 2900 | | 2707 | 147 | 2854 | | | | |
| Central | 9-12 | 1566 | | 0 | 1614 | 1614 | | | | 2 Ports. |
| Toulminville | 10-12 | 638 | | 0 | 1107 | 1107 | | | | 15 Ports |
| Mobile County Training | 9-12 | 700 | | 0 | 710 | 710 | | | | |
| Blount | 8-12 | 2001 | | 0 | 1894 | 1894 | | | | |
| Vigor | 10-12 | 1740 | | 1564 | 109 | 1673 | | | | |
| Trinity Gardens | 9-12 | 476 | | 0 | 637 | 637 | | | | |
| Davidson | 9-12 | 1943 | | 2299 | 66 | 2355 | | | | 15 Ports |
| Shaw | 9-12 | 928 | | 1136 | 196 | 1332 | | | | 16 Ports |
| | | | | | | | | | | |
| Total: S. H. | | 14674 | | 8459 | 7660 | 16119 | | | | 48 Portables |

*Second HEW Report Filed December 1, 1969*

## PLAN B

---

MOBILE COUNTY, ALABAMA

PLAN B

*Senior High Schools*

This plan exhibits three organizational grade structures for the schools within this category, i.e., 9-12, 10-12, and 12 in addition to items of analysis as hereinto referred. It also provides for the following:

1. combining two school centers,

2. changing two (2) former high schools to junior high-middle schools,

3. establishing one (1) 12 grade school and transporting the remaining 9-11 students to contigiously zoned schools, and,

4. setting geographic attendance zones for each school center.

*Junior High—Middle Schools*

This category under this plan suggests basically the following:

1. geographic zones for identified schools with the variables aforementioned,

2. organizational grade structures of 7-8; 6-9; 6-7, and two (2) grade 8 schools,

3. deploying three (3) school structures differently than formerly used, and

4. combining three (3) sets of schools for utilization as single school centers for each set.

*Elementary Schools*

This category of schools are exhibited in addition to the constants encouched as referred to above with the following apparent factors present:

1. the closing of three (3) schools,

2. organizing grades on a 1-6; 1-5 basis,

3. deploying three (3) schools differently than formerly,

4. involving one-way transporting of black students from two (2) areas to nine (9) formerly all-white or near all-white attendance centers, and,

5. pairing of three (3) sets of schools.

*Second HEW Report Filed December 1, 1969*

(See opposite) ☞

DATE:

Elementary (Cont'd)

| Name of School | Grades | Capacity Permanent | Capacity Portables | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Clickerman | 1-5 | 612 | | 473 | 100 | 573 | | | | |
| Shepard | 1-5 | 544 | | 383 | 160 | 543 | | | | |
| Dodge | 1-5 | 816 | | 565 | 45 | 610 | | | | |
| Fonde | 1-5 | 850 | | 605 | 236 | 841 | | | | |
| Austin | 1-5 | 408 | | 331 | 84 | 415 | | | | |
| Dickson | 1-5 | 816 | | 680 | 125 | 805 | | | | |
| Hillsdale | — Changed: Sec. & high Schools #13 | | | | | | | | | |
| Orchard | 1-5 | 816 | 876 | 759 | 117 | 876 | | | | 2 Portables |
| Will | 1-5 | 816 | 1086 | 678 | 395 | 1073 | | | | 9 Portables |
| Forest Hill | 1-5 | 578 | 938 | 586 | 355 | 941 | | | | 12 Portables |
| Whistler | 1-5 | 680 | | 181 | 205 | 386 | | | | |
| Thomas | 1-5 | 272 | | 180 | 95 | 275 | | | | |
| Indian Springs | 1-6 | 408 | 538 | 535 | 11 | 546 | | | | 4 Portables |
| Eight Mile | 1-6 | 340 | | 280 | 66 | 346 | | | | |

COMPOSITE BUILDING INFORMATION FORM

DATE:

-B-

Jr high - Middle Schools

| Name of School | Grades | Capacity Perm. | Capacity M. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Rain | 7-9 | 476 | | 415 | 38 | 453 | | | | |
| Banes-Woodcock | 6-9 | 1760 | | 980 | 764 | 1744 | | | | |
| Craighead | — See Senior High Schools — | | | | | | | | | |
| Phillips-Washington-Fonvielle | 6-9 | 2775 | | 1040 | 1562 | 2602 | | | | |
| Dunbar-Central | 6-9 | 2630 | | 1044 | 1562 | 2606 | | | | |
| Washington — See #4 Above — | | | | | | | | | | |
| Mobile Co. Training | 6-7 | 1260 | | 432 | 859 | 1291 | | | | 1 Portable |
| Richard | 6-7 | 616 | | 240 | 410 | 650 | | | | 1 Portable |
| Carver — See Vigor-Bienville; Carver-Blount — High School | | | | | | | | | | |
| Trinity Gardens | 6-7 | 868 | | 390 | 690 | 1076 | | | | 7 Portables |
| Clark | 8 | 1392 | | 536 | 948 | 1474 | | | | 4 Portables |
| Azalea Road | 6-7 | 1015 | | 857 | 133 | 990 | | | | |
| Hillsdale | 8 | 844 | | 858 | 131 | 989 | | | | |
| Scarborough | 6-7 | 984 | | 555 | 133 | 958 | | | | |

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Second HEW Report Filed December 1, 1969

COMPOSITE BUILDING INFORMATION FORM

-B-

DATE: _____

Elementary

| Name of School | Grades | Capacity Perm. | Capacity W. Portes. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| South Bartley | 1-6 | 442 | 592 | 514 | 72 | 586 | | | | 5 Portables |
| Morningside | 1-5 | 578 | 758 | 636 | 120 | 756 | | | | 6 Portables |
| Williams | 1-6 | 409 | 618 | 571 | 43 | 614 | | | | 7 Portables |
| Maynale | 1-5 | 612 | 672 | 472 | 145 | 617 | | | | 2 Portables |
| MERTZ | 1-5 | 510 | | 402 | 120 | 522 | | | | |
| Westhaven | 1-5 | 540 | 590 | 495 | 75 | 570 | | | | 3 Portables |
| Wadereek | — See Junior high Schools #2 — | | | | | | | | | |
| HALL | 1-5 | 1224 | | 483 | 664 | 1147 | | | | |
| Arlington Council | 1-5 | 1054 | 1110 | 350 | 659 | 1009 | | | | 2 Portables |
| EMERSON | — Closed — | | | | | | | | | |
| Heinkauf | 1-5 | 442 | | 273 | 165 | 438 | | | | |
| OWENS | 1-5 | 1496 | | 2 | 1414 | 1416 | | | | |
| Caldwell | — Closed — | | | | | | | | | |

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Second HEW Report Filed December 1, 1969

(a) COMPOSITE BUILDING INFORMATION FORM

DATE: _____ 6

Elementary (Cont'd)²

| Name of School | Grades | Capacity Perm. | Capacity W. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Howard | — | CLOSED | | | | | | | | |
| Old Shell Road | 1-5 | 476 | 536 | 232 | 295 | 527 | | | | 2 Portables |
| Crichton | 1-5 | 782 | 820 | 438 | 348 | 786 | | | | 1 Portable |
| Stanton Road | 1-5 | 1020 | 1050 | 6 | 900 | 906 | | | | 1 Portable |
| Fondelle | — | Changed — See Jr. High Schools # 4 | | | | | | | | |
| Georgia | 1-5 | 884 | 1034 | 7 | 963 | 970 | | | | 5 Portables |
| Palmer-Glendale | 1-5 | 1258 | 1408 | 434 | 931 | 1365 | | | | 4 Portables |
| Whitley | 1-5 | 612 | 702 | 216 | 481 | 697 | | | | 3 Portables |
| Brazier | 1-5 | 1156 | 1186 | 10 | 1022 | 1032 | | | | 1 Portable |
| Grant | 1-5 | 1292 | 1382 | 15 | 1285 | 1300 | | | | 3 Portables |
| Robbins-Hamilton | 1-5 | 1406 | | 693 | 855 | 1493 | | | | |
| Burnside | | See Lincoln-Burnside — Jr. High School | | | | | | | | |

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Second HEW Report Filed December 1, 1969

COMPOSITE BUILDING INFORMATION FORM

- B -

DATE: _____

So. High Schools

| Name of School | Grades | Capacity Perm. | Capacity T. Portx. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Rain | 9-12 | 448 | 812 | 735 | 59 | 794 | | | | 13 Portables |
| Williamson-Creighton | 10-12 | 2062 | | 1009 | 767 | 1775 | | | | |
| Murphy | 10-12 | 2900 | | 1440 | 1360 | 2800 | | | | |
| CENTRAL | — See Jr. high Schools — | | | | | | | | | |
| Coalmountville | 12 | 638 | | 0 | 365 | 365 | | | | |
| Mobile County Tr. | — See Jr. high Schools — | | | | | | | | | |
| (Blount Vigor) | 9-12 | 5101 | | 1908 | 2962 | 4870 | | | | |
| Trinity Gardens | — See Jr high Schools — | | | | | | | | | |
| DAVIDSON | 9-12 | 1943 | 2146 | 1739 | 604 | 2342 | | | | 3 Portables |
| Shaw | 9-12 | 928 | | 1150 | 471 | 1621 | | | | |
| [illegible] | | 12070 | | [illegible] | 6588 | 12567 | | | | |
| | | | | | | | | | | |

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Second HEW Report Filed December 1, 1969

*Second HEW Report Filed December 1, 1969*

## PLAN B—ALTERNATIVE

MOBILE COUNTY, ALABAMA

PLAN B—ALTERNATIVE

*Senior High Schools*

This plan differs from PLAN B in the following manner:

1. it does not involve school attendance of pupils out of the present geographic zones, and
2. Toulminville, Trinity, Gardens, and Mobile County Training Schools are not included to serve senior high school students.

*Junior High—Middle Schools*

This category of schools under this plan provides basically for the following as compared to PLAN B for this grade levels:

1. utilizing the Toulminville School in the set (as exhibited) in lieu of Fonvielle School.

*Elementary Schools*

The schools contained in this category as under this plan as opposed to PLAN B suggests the following:

1. students attend prescribed geographic zones,
2. black students who were transported from two (2) areas within the Eastern section of the beltline area are assigned to nearby and schools that were *closed* or *redeployed* as indicated in PLAN B. (Reference to Toulminville and Emerson-Caldwell-Howard areas.)

COMPOSITE BUILDING INFORMATION FORM

Date: 1

B - Alternative

Elementary Schools

| Name of School | Grades | Capacity Perm. | Capacity H. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| So. Brackley | 1-6 | 442 | 592 | 514 | 72 | 586 | | | | 5 Portables |
| Meridingside | 1-5 | 578 | | 756 | 0 | 756 | | | | 6 Portables |
| Williams | 1-6 | 408 | | 571 | 43 | 614 | | | | 5 Portables |
| Maryvale | 1-5 | 612 | | 588 | 30 | 618 | | | | 2 Portables |
| MERTZ | 1-5 | 510 | | 482 | 0 | 482 | | | | |
| Westlawn | 1-5 | 510 | | 595 | 0 | 595 | | | | 3 Portables |
| Woodcock | | SEE | Junior | high | Schools | | | | | |
| HALL | 1-5 | 1224 | | 483 | 664 | 1147 | | | | |
| Arlington Council | 1-5 | 1054 | | 350 | 659 | 1009 | | | | 2 Portables |
| Emerson | 1-5 | 442 | | 3 | 518 | 521 | | | | 4 Portables |
| Heinkauf | 1-5 | 442 | | 273 | 165 | 438 | | | | |
| OWENS | 1-5 | 1496 | | 2 | 1414 | 1416 | | | | |
| Caldwell | 1-5 | 578 | | 1 | 401 | 402 | | | | |

COMPOSITE BUILDING INFORMATION FORM

B - Alternative

DATE:

Elementary Schools

| Name of School | Grades | Capacity Perm. | Capacity W. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Heaverde | 1-5 | 408 | | 0 | 465 | 465 | | | | 3 Portables |
| Old Shell Road | 1-5 | 476 | | 232 | 295 | 527 | | | | 2 Portables |
| Crichton | 1-5 | 782 | 820 | 438 | 348 | 786 | | | | 1 Portable |
| Stanton Road | 1-5 | 1020 | 1050 | 6 | 900 | 906 | | | | 1 Portable |
| Fonvielle | 1-5 | 1190 | | 0 | 1000 | 1000 | | | | 2 Portables |
| Georgas | 1-5 | 834 | | 3 | 963 | 966 | | | | 8 Portables |
| Palmer<br>Glendale | 1-5 | 865 | | 434 | 931 | 1365 | | | | 7 Portables |
| Whitley | 1-5 | 612 | 702 | 216 | 481 | 697 | | | | 3 Portable |
| Bernice | 1-5 | 1156 | 1186 | 10 | 1022 | 1032 | | | | 1 Portable |
| Grant | 1-5 | 1292 | 1382 | 15 | 1285 | 1300 | | | | 3 Portables |
| Robbins<br>Hamilton | 1-5 | 1496 | | 635 | 855 | 1493 | | | | |
| Bienville | | See Via - Bienville, Cross | | | | About - Kids Steel | | | | |

B - Alternative

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Elementary Schools 2

| Name of School | Grades | Capacity Perm. | Capacity V. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Chickasaw | 1-5 | 612 | | 473 | 100 | 573 | | | | |
| Shepard | 1-5 | 544 | | 453 | 43 | 496 | | | | |
| Dodge | 1-5 | 816 | | 565 | 45 | 610 | | | | |
| Fonda | 1-5 | 850 | | 715 | 11 | 726 | | | | |
| Austin | 1-5 | 408 | | 391 | 22 | 413 | | | | |
| Dickson | 1-5 | 816 | | 680 | 125 | 805 | | | | |
| Hillsdale | | SEE | | Jr. high | School | | | | | |
| Orchard | 1-5 | 816 | 876 | 759 | 117 | 876 | | | | 2 Portables |
| Will | 1-5 | 816 | 1086 | 678 | 0 | 678 | | | | 9 Portables |
| Forest Hill | 1-5 | 578 | 938 | 609 | 0 | 609 | | | | 12 Portables |
| Whittier | 1-5 | 680 | | 181 | 205 | 386 | | | | |
| Thomas | 1-5 | 272 | | 180 | 95 | 275 | | | | |
| Indian Springs | 1-6 | 408 | 538 | 535 | 11 | 546 | | | | 4 Portables |
| Eight Mile | 1-6 | 340 | | 280 | 66 | 346 | | | | |
| Tot. | | 7133 | | 13,104 | 13351 | 26,455 | | | | |

COMPOSITE BUILDING INFORMATION FORM (1)

B- Alternative

Date:

Jr high- Middle Schools

| Name of School | Grades | Capacity Perm. | Capacity P. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Rain | 7-8 | 476 | | 415 | 38 | 453 | | | | |
| Eanes-Westcreek | 6-9 | 1760 | | 980 | 764 | 1744 | | | | |
| Craighead | See Senior high Schools | | | | | | | | | |
| Phillips | | | | | | | | | | |
| Washington | | | | | | | | | | |
| Tolmin ville | 6-9 | 2775 | | 1040 | 1562 | 2602 | | | | |
| Dunbar | | | | | | | | | | |
| CENTRAL | 6-9 | 2630 | | 1092 | 1562 | 2602 | | | | |
| Washington | See Above | | | | | | | | | |
| Mobile Co Tr. | 6-7 | 1260 | | 432 | 859 | 1291 | | | | 1 Portable |
| Brickwood | 6-7 | 616 | | 240 | 410 | 650 | | | | 1 Portable |
| CAREER | See Vigor-Bienville, Career- Blount- high School | | | | | | | | | |
| Trinity Gardens | 6-7 | 868 | | 380 | 690 | 1070 | | | | 7 Portables |
| | | | | | | | | | | |

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COMPOSITE BUILDING INFORMATION FORM (B)

B - Alternative

Date:

Jr. High - Middle Schools

| Name of School | Grades | Capacity Perm. | Capacity V. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Azalea Rd. | 6-7 | 1015 | | 857 | 133 | 990 | | | | |
| Hillsdale | 8 | 844 | | 858 | 131 | 989 | | | | |
| Scarborough | 6-7 | 984 | | 855 | 133 | 988 | | | | |
| Eight Mile | 7-8 | 252 | | 270 | 42 | 312 | | | | 2 Athletics |
| Total | Sr. H. | 13382 | | 7979 | 6502 | 14481 | | | | |
| Total | J. H. | 12,872 | | 7707 | 7272 | 15199 | | | | |
| Total: Secondary | | 26,254 | | 15,586 | 13,774 | 29,360 | | | | |

COMPOSITE BUILDING INFORMATION FORM

B-ALTERNATIVE

DATE: _____

Sr High Schools

| Name of School | Grades | Capacity Perm. | Capacity W. Ports. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Reid | 9-12 | 448 | 812 | 735 | 59 | 794 | | | | 13 Ambulos |
| Williamson-Ceyhud | 10-12 | 2062 | | 1008 | 767 | 1775 | | | | |
| Murphy | 10-12 | 2900 | | 1440 | 1913 | 3353 | | | | |
| CENTRAL | SEE | | JUNIOR | High | Schools | | | | | |
| Tuckinville | SEE | | JUNIOR | high | Schools | | | | | |
| Mobile To. Tr. | SEE | | JUNIOR | High | Schools | | | | | |
| Blount | | | | | | | | | | |
| Vigor | 9-12 | 5101 | | 1906 | 3516 | 5422 | | | | |
| Trinity Gardens | SEE | | JUNIOR | high | Schools | | | | | |
| Davidson | 9-12 | 1943 | 2146 | 1733 | 51 | 1784 | | | | |
| Shaw | 9-12 | 928 | | 1150 | 196 | 1346 | | | | |
| | | | | | | | | | | |
| Totals: | Sr. High | 13,382 | | 1979 | 6502 | 14481 | | | | |

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## PLAN B-1 ALTERNATIVE

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MOBILE COUNTY, ALABAMA

PLAN B-1 ALTERNATIVE

This plan is based primarily upon the concept of non-contigious pairing of schools. These schools are located, for the most part, in areas geographically, economically, and possibly culturally opposite each other. It takes into consideration such factors as the following:

1. pernament capacities of schools,
2. capacities of schools with portable units,
3. access to thoroughfares from one center to the other,
4. distances travelled,
5. suitability of facilities,
6. populations concentration,
7. non-utilization of undesirable school sites and buildings,
8. convenience,
9. utilization of the public school transportation network,
10. assignment of smaller children into schools with the fewer students enrolled,
11. a suggested grade level organization for all elementary children, and,
12. utilization of schools without regard to race.

*Second HEW Report Filed December 1, 1969*

(See opposite) ☞

MOBILE COUNTY, ALABAMA SCHOOL DISTRICT

DATE: PLAN B - 1 - ALTERNATIVE

ELEMENTARY SCHOOLS

| Name of School | Grades | Capacity Perm. | Capacity W. Forts. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Fonvielle | 3-5 | 1190 | | 400 | 666 | 1066 | | | | |
| Forest Hill | 1-2 | 578 | | 204 | 334 | 538 | | | | |
| Lienkauf | 5 | 442 | | 410 | 110 | 520 | | | | |
| Westlawn | 1-2 | 510 | | 711 | 277 | 988 | | | | |
| Hertz | 3-4 | 510 | | 711 | 278 | 989 | | | | |
| Hall | 1-3 | 1224 | | 691 | 458 | 1149 | | | | |
| Maryvale | 4-5 | 612 | | 380 | 236 | 616 | | | | |
| Arlington-Council | 3-5 | 1054 | | 737 | 437 | 1174 | | | | |
| Morningside | 1-2 | 578 | | 369 | 222 | 591 | | | | |
| Austin | 4-5 | 408 | | 311 | 139 | 450 | | | | |
| Old Shell Road | 1-3 | 476 | | 312 | 178 | 490 | | | | |
| Crichton | 3-5 | 782 | | 481 | 241 | 722 | | | | |
| Shepard | 1-2 | 544 | | 410 | 150 | 560 | | | | |
| Caldwell | 1-3 | 578 | | 291 | 255 | 546 | | | | |
| South Brookley | 4-5 | 442 | | 224 | 218 | 442 | | | | |

COMPOSITE BUILDING INFORMATION SHEET

DATE: PLAN B-1-Alternative (2)

| Name of School | Grades | Capacity Perm. | Capacity Q. Parts. | Students W | Students B | Students T | Staff W | Staff B | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Eight Mile | 1-2 | 340 | | 98 | 220 | 318 | | | | |
| Grant | 3-5 | 12960 | | 197 | 1101 | 1298 | | | | |
| Indian Springs | 1-2 | 408 | | 190 | 221 | 411 | | | | |
| Brazier | 3-5 | 1156 | | 355 | 812 | 1167 | | | | |
| Robbins-Hamilton | 3-5 | 1496 | | 800 | 693 | 1493 | | | | |
| Chickasaw | 1-2 | 512 | | 111 | 262 | 373 | | | | |
| Orchard | 4-5 | 816 | | 313 | 419 | 732 | | | | |
| Gorgas | 1-3 | 984 | | 467 | 401 | 870 | | | | |
| Stanton Road | 3-5 | 1020 | | 491 | 491 | 982 | | | | |
| Dickson | 1-2 | 816 | | 193 | 316 | 513 | | | | |
| Dodge | 1-2 | 816 | | 351 | 306 | 657 | | | | |
| Williams | 3 | 408 | | 303 | 225 | 528 | | | | |
| Owens | 4-6 | 1400 | | 484 | 1100 | 1584 | | | | |

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Second HANW Report Filed December 1, 1969

Re: (1) PLAN B-1-Alternative (3)

| Name of School | Grades | Capacity Perm. | Capacity Port. | Students W | Students N | Students T | Staff W | Staff N | Staff T | Comments |
|---|---|---|---|---|---|---|---|---|---|---|
| Emerson | CLOSE | | | | | | | | | |
| Palmer-Glendale | 3-5 | 1238 | | 634 | 717 | 1351 | | | | |
| Fonde | 1-2 | 850 | | 405 | 450 | 885 | | | | |
| Thomas | 1-2 | 272 | | 123 | 235 | 358 | | | | |
| Whitley | 3-5 | 512 | | 273 | 341 | 614 | | | | |
| Will | 3-5 | 816 | | 397 | 422 | 819 | | | | |
| Whistler | 1-2 | 650 | | 462 | 178 | 640 | | | | |
| Howard | CLOSE | | | | | | | | | |
| | | | | | | | | | | |
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## School Board Plan Filed December 1, 1969

In compliance with the orders and instructions to the School Board contained in this Court's Decree of August 1, 1969, the School Board now files its suggested desegregation plan for all of the metropolitan schools located east of I-65, for implementation for the 1970-71 school term.

As it has done on several occasions in the past, the School Board would once again respectfully call to the attention of the Court its sincere and considered opinion that the best plan for the operation and desegregation of the Mobile County Public School System—the plan that will preserve to all students of the system and all citizens of the county, black and white alike, their constitutional rights, and at the same time is the most educationally sound and administratively feasible—is a plan providing for a method of student assignment based upon free choice of schools by all.

Having once again called this to the Courts' attention, the School Board is nevertheless compelled by the orders of the Court to submit a suggested plan of student assignment based upon geographic zones rather than freedom of choice. Under such duress the School Board, against its sincere and considered best judgment and contrary to the personal wishes and desires of each member of the Board, now submits such a suggested plan. There are attached hereto three maps representing the suggested plan: one labeled "Metropolitan Attendance Areas, Elementary" (Map #1); one labeled "Metropolitan Attendance Areas, Middle Schools" (Map #2); and one labeled "Metropolitan Attendance Areas, Senior High" (Map #3). In arriving at the suggested plan for the schools east of I-65, it has been necessary to suggest several changes with regard to schools

west of I-65 in order to accommodate and fit with that which is suggested for east of I-65. For the sake of convenience and clarity the attached maps reflect the entire metropolitan portion of the school system, not just that part of it east of I-65, and the desegregation plan for the entire metropolitan portion of the school system.

In addition, these maps also reflect a suggested change in the composition of the Dickson, Will, Orchard, Hillsdale and Scarborough attendance areas essentially unassociated with the suggestions relating to east of I-65.

The maps are prepared in a manner familiar to the Court. The basic maps are official "City of Mobile" maps produced by the City Engineering Department. Attendance area boundaries are superimposed in heavy, dark lines. The locations of schools are shown as dark dots or circles. The names of the schools (and thus of the attendance areas) are written in, as are the grades to be accommodated in each school.

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[Maps omitted—see original record.]

## District Court Order of December 4, 1969

It appearing to the Court that of the three maps filed on December 1, 1969 by the defendant Board of School Commissioners with its Suggested Desegregation plan for all metropolitan schools located east of I-65, for implementation for the 1970-71 school term, that the elementary attendance area map (Map #1) contains a minor error in a drawn line which was inadvertently made and has just been detected, it is now

ORDERED and ADJUDGED by the Court that the defendant Board of School Commissioners is hereby allowed to substitute for the original Map #1, a corrected map showing the proposed elementary attendance area, which will now be designated as Map #1-A and attached to the original Suggested Desegregation plan, filed on December 1, 1969.

Done at Mobile, Alabama this 4th day of December, 1969.

/s/ DANIEL H. THOMAS
Daniel H. Thomas
*Chief Judge*

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[Map omitted—see original record.]

**Plaintiffs' Motion to Require Service of Desegregation Plan Filed January 2, 1970**

Plaintiffs, Birdie Mae Davis, et al., move this Court for an order requiring the defendant School Board to serve on all opposing counsel a copy of the maps attached to the School Desegregation Plan filed on December 1, 1969 and a copy of any amendatory maps filed subsequently. In support of this motion plaintiffs show the following:

1. The School Board's failure to serve all opposing counsel inevitably delays our response to the December 1, 1969 plan;

2. The School Board's failure to serve all opposing counsel violates the December 13, 1969 Order of Justice Hugo Black, which Order required the School Board "to take no steps which are inconsistent with or will tend to prejudice or delay full implementation of complete desegregation on or before February 1, 1970". Delay in serving opposing counsel is a step which prejudices full implementation of complete desegregation by February 1, 1970.

3. Plaintiffs have written to counsel for the School Board and requested copies of the maps attached to the December 1, 1969 plan, but counsel for the School Board has not responded.

Plaintiffs request that the Court act promptly on this motion.

**Statistical Exhibits Submitted by the United States to the District Court on January 27, 1970**

See Volume III